

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY	)	
AVERAGE WHOLESALE PRICE	)	MDL No. 1456
LITIGATION	)	Civil Action No. 01-12257-PBS
<hr/>		
		Judge Patti B. Saris
THIS DOCUMENT RELATES TO:	)	
ALL CLASS ACTIONS	)	
<hr/>		
<hr/>		

**TRACK 1 DEFENDANTS' JOINT AMENDED PRETRIAL DISCLOSURES  
PURSUANT TO FED R. CIV. P. 26(a)(3)(A)**

**TRACK 1 DEFENDANTS' JOINT AMENDED EXHIBIT LIST<sup>1,2</sup>**

The Track 1 Defendants reserve the right to introduce any exhibits or portions thereof identified by Plaintiffs. In addition, as Blue Cross Blue Shield of Massachusetts and third party payors continue to produce documents and witnesses, the Track 1 Defendants reserve their right to supplement this exhibit list.

TRIAL EXH. NO.	DOC. DATE	BATES RANGE	DEPO. EXH.	DOCUMENT TITLE/DESCRIPTION	OBJECTION
983		SMW 0604- SMW 0738	Randle, 11/17/05, Exh. 4	Sheet Metal Workers' National Health Fund – Amended and Restated Plan Document	
984		BCBSMA-AWP- 12120 – BCBSMA-AWP-	Cook, 3/6/06, Exh. 1	Blue Cross Blue Shield of Massachusetts Organizational Charts	

<sup>1</sup> The following joint trial exhibits, identified herein with an asterisk, are admissible as summaries pursuant to Fed. R. Evid. 1006: 1220-1228 and 1373-1496. The data and information underlying these exhibits have been produced to Plaintiffs' counsel.

<sup>2</sup> On October 9, 2006, Plaintiffs filed "amended disclosures" including exhibits numbered 983-1008. Without waiving any objections regarding these amended disclosures, the Track 1 Defendants have conferred with Plaintiffs regarding the overlap in exhibit numbers caused by these additional exhibits and Plaintiffs have agreed to re-number the exhibits 982A – 982Z.

TRIAL EXH. NO.	DOC. DATE	BATES RANGE	DEPO. EXH.	DOCUMENT TITLE/DESCRIPTION	OBJECTION
		12146			
985	8/2/02	BCBSMA-AWP-12489 – BCBSMA-AWP-12494	Cook, 3/6/06, Exh. 2	E-mail string containing various e-mails between Robert Mandel Jan Cook, Steven Fox, Nancy Marotta, and Colleen Fournier sent Friday, August 2, 2002, Subject: RE: BCBS/MSCO Meeting	
986	4/29/02	BCBSMA-AWP-12613 – BCBSMA-AWP-12614	Cook, 3/6/03, Exh. 3	BCBSMA Memorandum dated May 1, 2002 from Jan Cook to James Fanale regarding Oncology (MASCO) Specialty Committee Minutes, April 29, 2002	
987		BCBSMA-AWP-10592 – BCBSMA-AWP-10604	Cook, 3/6/06, Exh. 4	PowerPoint presentation entitled "Specialty Pharmacy"	
988	6/10/04	BCBSMA-AWP-12679 – BCBSMA-AWP-12680	Cook, 3/6/06, Exh. 5	Blue Cross Blue Shield of Massachusetts Specialty Committee Meeting Minutes, dated June 10, 2004	
989	1/19/04	BCBSMA-AWP-10608 – BCBSMA-AWP-10608	Cook, 3/6/06, Exh. 6	Meeting agenda for Provider Financial Strategy Workgroup (PFSW), dated January 19, 2004	
990	2/7/04		Cook, 3/6/06, Exh. 7	BCBSMA Analysis of CMS Average Wholesale Price Reform – Reimbursement for Part B Drugs, dated February 7, 2004	
991	3/22/04	BCBSMA-AWP-12589 – BCBSMA-AWP-12590	Cook, 3/6/06, Exh. 9	E-mail string between Jan Cook and John Fallon dated March 22, 2004, Subject: RE: Blue Cross Fee Schedule	
992	4/26/04	BCBSMA-AWP-10609 – BCBSMA-AWP-10610	Cook, 3/6/06, Exh. 10	Meeting agenda for Provider Financial Strategy Workgroup (PFSW), dated April 26, 2004	
993	8/17/99, 8/20/99	BCBSMA-AWP-00073 – BCBSMA-AWP-00074	Gorman, 3/7/06, Exh. 2; Fanale, 6/9/06, Exh. 10	E-mail string containing various e-mails between Lisa Gorman, Ellen Thompson, Anne Meneghetti, Mary Powers, Christopher Ditunno, Mark Rishell, and Wendy Monroe, Subject: MASCO/Chemo Drug	

TRIAL EXH. NO.	DOC. DATE	BATES RANGE	DEPO. EXH.	DOCUMENT TITLE/DESCRIPTION	OBJECTION
				Reimbursement	
994	2/7/04		Devaux, 3/9/06, Exh. 1  Mulrey, 1/5/06, Exh. 2	Partial copy of PowerPoint entitled "Analysis of CMS Average Wholesale Price Reform-Reimbursement for Part B Drugs," with handwritten notes	
995	6/10/96		Devaux, 3/9/06, Exh. 4	Article entitled "Hooked on Drugs – Why do insurers pay such outrageous prices for pharmaceuticals?" from <i>Barron's</i> , dated June 10, 1996	
996	4/10/05	BCBSMA-AWP-12611 – BCBSMA-AWP-12612	Devaux, 3/9/06, Exh. 7	Interoffice memorandum from Jan Cook to John Fallon and Deb Devaux regarding 4/6/05 Meeting with MA Society of Oncology (MSCO)	
997	12/17/04	BCBSMA-AWP-13002 – BCBSMA-AWP-13011	Cizauskas, 3/10/06, Exh. 1	E-mail string containing e-mails between Eileen Romanowicz, John Killion, Alona Abalos, Michael Curry, Christopher Ditunno, and Serena Forde regarding Dialysis AWP DHCFP notification	
998	7/11/05	BCBSMA-AWP-12501 – BCBSMA-AWP-12501	Cizauskas, 3/10/06, Exh. 3	Meeting agenda for Provider Financial Strategy Workgroup (PFSW)	
999	1/14/04	BCBSMA-AWP-12593 – BCBSMA-AWP-12609	Cizauskas, 3/10/06, Exh. 5	E-mail string and attachments containing e-mails between Mike Mulrey, Deb Devaux, John Killion, Jan Cook, and Holly Grinnell regarding BC65 Drug Change Impact	
1000	10/1/99	BCBSMA-AWP-000173 – BCBSMA-AWP-00175	Cizauskas, 3/10/06, Exh. 7	Non Fee Services Comparison for Quincy City Hospital, South Shore Hospital, and Milton Hospital	
1001	11/8/05	BCBSMA-AWP-12496 – BCBSMA-AWP-12500	Cizauskas, 3/10/06, Exh. 8	E-mail from Michael Marrone to Deb Devaux regarding Caritas Follow-up, dated November 8, 2005 with an attached document entitled "BCBSMA Proposal to CCNS November 8, 2005"	
1002	5/28/00		Fanale, 6/9/06, Exh. 5	Article entitled "Blue Cross OK's Fee Hikes for Physicians" from <i>The Boston Globe</i>	

TRIAL EXH. NO.	DOC. DATE	BATES RANGE	DEPO. EXH.	DOCUMENT TITLE/DESCRIPTION	OBJECTION
1003	8/18/99, 8/18/99, 8/20/99	BCBSMA-AWP-00078 – BCBSMA-AWP-00079	Fanale, 6/9/06, Exh. 9	E-mail string containing e-mails between Mary Powers, Lisa Gorman, Ellen Thompson, James Fanale, Anne Meneghetti, Fred Polsky, Mark Rishell, Wendy Monroe, and Roberta Zackman, regarding MASCO/Chemo Drug Reimbursement	
1004	9/15/99	BCBSMA-AWP-00044 – BCBSMA-AWP-00044	Fanale, 6/9/06, Exh. 11	E-mails between Ellen Thompson, Mark Rishell, Lisa Gorman, Heidi Francke, Mary Powers, Sandra Stevenson, James Fanale, Anne Meneghetti, Roberta Zackman, and Lee Ann Mitchell, regarding Chemo Reimbursement Issue/Walt Kagan MD	
1005	12/13/99	MSCO 4420 – MSCO 4422	Fanale, 6/9/06, Exh. 12	Minutes of the Massachusetts Society of Clinical Oncologists' Executive Board, held on December 13, 1999	
1006	1/10/00	MSCO 4410 – MSCO 4412	Fanale, 6/9/06, Exh. 13	Minutes of the Executive Board Meeting of the Massachusetts Society of Clinical Oncologists, held on January 10, 2000	
1007	3/6/00	MSCO 4397 – MSCO 4398	Fanale, 6/9/06, Exh. 14	Minutes of the Executive Board Meeting of the Massachusetts Society of Clinical Oncologists, held on March 6, 2000	
1008	5/1/02	BCBSMA-AWP-12487 – BCBSMA-AWP-12488	Fanale, 6/9/06, Exh. 15	Blue Cross Blue Shield of Massachusetts Memorandum dated May 1, 2002 from Jan Cook to James Fanale regarding Oncology (MASC) Specialty Committee Minutes, April 29, 2002	
1009	11/5/99	BCIL AWP 000069 – BCIL AWP 000078	Pfankuch, 9/14/01, Exh. 2	Document entitled "1996 Reimbursement for 'J' Codes"	
1010	11/5/99	BCIL AWP 000080 – BCIL AWP 000081	Pfankuch, 9/14/01, Exh. 3	Memorandum from Paula Pfankuch to Phil Lumpkin, Terri Murphy, Eileen Holderbaum, Bill Rollow, Frank Nicholson, and Brad Buxton regarding "J" Code Pricing Recommendations	

TRIAL EXH. NO.	DOC. DATE	BATES RANGE	DEPO. EXH.	DOCUMENT TITLE/DESCRIPTION	OBJECTION
1011	2/8/99	MON 0006460 – MON 0006475	Romasko, 9/28/04, Exh. 3	Blue Cross Blue Shield of Montana Senior Leadership Team Minutes, dated February 8, 1999	
1012	5/11/98	MON 0003188 – MON 0003188	Romasko, 9/28/04, Exh. 5	Document entitled "Second Quarter Update to the 1998 DME Fee Schedule," dated May 11, 1998	
1013	8/8/01	EMP 0013388 – EMP 0013388	Monteforte, 10/8/04, Exh. 1	Document entitled "Level II Brainstorming Meeting Minutes" (08/08/01)	
1014	2/13/02-2/15/02	EMP 0013324 – EMP 0013329	Monteforte, 10/8/04, Exh. 3	E-mail chain containing e-mails between Elizabeth Rubin, Michael Fayard, Svetlana Noskov, Steven Wolinsky, Linda Monteforte and various other BCBS Empire employees regarding "non-self-injectibles – plan for cost savings NOW – in phases"	
1015	12/4/02	EMP 0012486 – EMP 0012486	Monteforte, 10/8/04, Exh. 4	Medical Cost Forum (MCF) Meeting Minutes, dated December 4, 2002	
1016	10/25/99	HRZ 0000396 – HRZ 0000397	Mengert, 10/5/04, Exh. 2	E-mail chain containing e-mails between Susan Mengert, Terry Leach, Raymond Cogen, and various BCBSNJ employees regarding Oncology Drug reimbursement	
1017	6/10/03		Dragalin, 9/17/04, Exh. 1	Document entitled "J-Code Tutorial"	
1018	10/03 - 6/04		Dragalin, 9/17/04, Exh. 2	E-mail chain containing e-mails between Dan Dragalin, Anita Magovac, Anne Eagar, Arthur Klein, Charles Pendola, David Gandy, Karen Muccino, Margaret Kenney, Rick Zuzenak, Robert Morrison, Stephen Casner and various MultiPlan employees, regarding J codes/HCPCS	
1019	6/10/04		Killion, 1/6/06, Exh. 2	Minutes from Blue Cross Blue Shield of Massachusetts Specialty Committee Meeting, dated June 10, 2004	
1020	8/99 - 9/99	BCBSMA-AWP-00034 – BCBSMA-AWP-	Mulrey, 1/5/06, Exh. 1	Collection of documents including various e-mails between Ellen Thompson, Lisa Gorman, Daniel	

TRIAL EXH. NO.	DOC. DATE	BATES RANGE	DEPO. EXH.	DOCUMENT TITLE/DESCRIPTION	OBJECTION
		00181		Doherty, Mary Powers, James Fanale, Mark Rishell, and various other BCBSMA employees regarding "Chemo Meeting/Dr. Kagan" and "MACSO/Chemo drug reimbursement issue," dated August and September 1999	
1021	3/8/04	BCBSMA 0005188 – BCBSMA 0005205	Devaux, 3/9/06, Exh. 8A	Blue Cross and Blue Shield of Massachusetts, Inc. HMO Blue Products Risk Sharing Arrangement with Harvard Vanguard Medical Associates, Inc., with Contract Settlement & Analysis Contractual Summary Sheet as cover sheet	
1022	12/16/03	BCBSMA 005206 – BCBSMA 005222	Devaux, 3/9/06, Exh. 8B	Blue Cross and Blue Shield of Massachusetts, Inc. HMO Blue Products Risk Sharing Arrangement with Dedham Medical Associates, Inc.	
1023	12/17/03	BCBSMA 005223 – BCBSMA 005239	Devaux, 3/9/06, Exh. 8C	Blue Cross and Blue Shield of Massachusetts, Inc. HMO Blue Products Risk Sharing Arrangement with Southboro Medical Group, Inc.	
1024	6/2/92		Smith, 4/14/06, Exh. 1	Contract conditions for purchase of Tagamet between SmithKline Beecham and Blue Cross/Blue Shield of Massachusetts, Inc./Medical West Community Health Plan, Inc.	
1025	6/1/03	E 28250 – E 28261	Monteforte, 10/8/04, Exh. 2	Specialty Drug Addendum between AdvancePCS Health, L.P. and Empire Blue Cross and Blue Shield	
1026	4/20/04	HPH 000449 – HPH 000489	Kenney, 9/20/04, Exh. 1	Accredo Pharmacy Services Agreement between Acreedo Health and Harvard Pilgrim Health Care, Inc.	
1027	6/12/02	HPH 000490 – HPH 000535	Kenney, 9/20/04, Exh. 2	Curascript Pharmacy Services Agreement between CuraScript and Harvard Pilgrim Health Care, Inc.	
1028	1/1/01	IHC AWP 000136 – IHC AWP 000138	IHC, Exh. 8	IHC Home Care Services - Injectable Drugs Pricing Table from HPI Commercial Agreement	
1029	1/31/02	TRH AWP 000004 – TRH AWP 000026	Thomas, 9/24/04, Exh. 3	Ancillary Services Agreement between Three Rivers Health Plans, Inc. and VitaRx	

TRIAL EXH. NO.	DOC. DATE	BATES RANGE	DEPO. EXH.	DOCUMENT TITLE/DESCRIPTION	OBJECTION
1030	4/1/02	UPMC 002633-- UPMC 002665	Maxwell, 9/9/04, Exh. 1	Prescription Drug Mail Order Medication and Specialty Medication Service Agreement between CuraScript Pharmacy, Inc. and UPMC Health Plan, Inc.	
1031	4/1/03	BH00102 – BH00140	Lynch, 1/12/05, Exh. 6	Managed Prescription Drug Program Agreement between Express Scripts, Inc. and Banner Health System	
1032	7/1/02	SA00279 – SA00336	Pelberg, 1/19/05, Exh. 5	Managed Prescription Drug Program Agreement between Express Scripts, Inc. and Schaller Anderson of Arizona, L.L.C.	
1033	7/19/01	SA00380 – SA00417	Marshall, 2/28/05, Exh. 1	Express Scripts Specialty Care Program for Schaller Anderson, Inc. (and Schaller Anderson HealthCare)	
1034	2/7/67			Final Report of the Task Force on Prescription Drugs: Prescription Drugs Under Medicare, Phillip R. Lee, M.D., Assistant Secretary for Health and Scientific Affairs, Department of Health, Education and Welfare	
1035	11/27/74			Proposed Rule, Limitations on Payment or Reimbursement for Drugs, 39 Fed. Reg. 41,480-41,481	
1036	7/31/75			Limitations on Payment or Reimbursement for Drugs, 40 Fed. Reg. at 32,284-32,303 (July 31, 1975)	
1037	12/13/77			HCFA Action Transmittal No. 77-113 in Medicare and Medicaid Guide, ¶ 28, 714, Department of Health and Human Services, Health Care Financing Administration	
1038	12/31/80			Programs to Control Prescription Drug Costs Under Medicaid and Medicare Could be Strengthened (HRD-81-36), Comptroller General	
1039	1984			Changes to the Medicaid Prescription Drug Program Could Save Millions OIG, Office of Audit	
1040	9/1/84			HCFA Action Transmittal No. 84-12 in Medicare and Medicaid Guide, ¶ 34, 157, Department of Health and Human Services, Health Care Financing Administration	

TRIAL EXH. NO.	DOC. DATE	BATES RANGE	DEPO. EXH.	DOCUMENT TITLE/DESCRIPTION	OBJECTION
1041	7/31/87			Medicare and Medicaid Programs; Limits on Payments for Drugs, 52 Fed. Reg. 28,648 (July 31, 1987)	
1042	7/31/89			The High Cost of Prescription Drugs, 135 Congressional Record S. 9058 – Vol. 135 No. 105	
1043	8/89			Prescription Drug Prices: Are We Getting Our Money's Worth?, Majority Staff Report of the Special Committee on Aging, United States Senate, S. Rep. 101-49	
1044	10/3/89			Use of Average Wholesale Prices in Reimbursing Pharmacies Participating in Medicaid and the Medicare Prescription Drug Program, Office of Inspector General	
1045	1/16/90			Brief for United States Department of Health and Human Services, Respondent, in <i>State of LA v. United States Dep't of Health and Human Servs.</i> , Dept. of Health and Human Services	
1046	5/90			Recombinant Erythropoietin: Payment Options for Medicare, Office of Technology Assessment	
1047	10/1/90			Letter from Gail Wilensky, HCFA Administrator, to Sen. Lloyd Bentsen, Chairman, U.S. Committee on Finance	
1048	6/5/91			Medicare Program: Fee Schedule for Physicians' Services, Proposed Rules, 56 Fed. Reg. 25,792 (June 5, 1991)	
1049	11/25/91			Medicare Program: Fee Schedule for Physicians' Services, Final Rule, 56 Fed. Reg. 59,502 (Nov. 25, 1991)	
1050	7/92			Medicare: Reimbursement Policies Can Influence the Setting and Cost of Chemotherapy, GAO Report to the Chairman, Committee on Finance, U.S. Senate	
1051	8/92			Prescription Drugs: Changes in Prices for Selected Drugs, GAO	
1052	10/92			Cost of Dialysis-Related Drugs, OIG, Department of Health and Human Services	

TRIAL EXH. NO.	DOC. DATE	BATES RANGE	DEPO. EXH.	DOCUMENT TITLE/DESCRIPTION	OBJECTION
1053	11/6/92			Physicians' Costs for Chemotherapy Drugs, OIG, Department of Health and Human Services	
1054	3/1993			Medicaid – Outpatient Drug Costs and Reimbursements for Selected Pharmacies in Illinois and Maryland, GAO Report	
1055	3/15/94			Memorandum re: Determination of Acquisition Cost of Drugs from Director of Office Payment Policy to All Associate Regional Administrators for Medicare, Charles Booth, Director, Office Payment Policy, Department of Health and Human Services	
1056	4/1994			Prescriptions Drug Study – A Report to the Minnesota Legislature on the Prescription Drug Market, Health Economics Program, Division of Health Care Delivery Systems, Minnesota Department of Health	
1057	4/6/94	AWP010-1480 – AWP010-1482		Letter from Stephen P. Arney, Chief Carrier Operations Branch, Division of Medicare, Health Care Financing Administration, to All Region V Carriers re: Pricing for Injectable Drugs, Stephen P. Arney	
1058	7/27/94	AWP011-0868 – AWP011-0868		Letter from James Throne, Health Insurance Specialist, Service & Operations Branch I, Division of Medicare, to All Carriers re: Pricing for 14 Drug Codes	
1059	8/8/94	HHC902-0173 – HHC902-0173		Memorandum re: Estimated Acquisition Cost Drug Survey from Director Office of Payment Policy to All Associate Regional Administrators for Medicare, Charles Booth, Director, Office Payment Policy Department of Health and Human Services	
1060	8/12/94	AWP032-0035		Memorandum re: (Drugs) Estimated Acquisition Cost Drug Survey to All Part B Carriers, Jill Merrill, Health Insurance Specialist, Medicare Operations Branch, Healthcare Financing Administration	

TRIAL EXH. NO.	DOC. DATE	BATES RANGE	DEPO. EXH.	DOCUMENT TITLE/DESCRIPTION	OBJECTION
1061	2/1996			Medicare Payments for Nebulizer Drugs, OIG, Department of Health and Human Services	
1062	5/96			Appropriateness of Medicare Prescription Drug Allowance, OIG, Department of Health and Human Services	
1063	5/96			Review of Pharmacy Acquisition Costs for Drugs, Reimbursed Under the Medicaid Prescription Drug Program of the California Department of Health Services, OIG, Department of Health and Human Services	
1064	6/1996			A Comparison of Albuterol Sulfate Prices, OIG, Department of Health and Human Services	
1065	6/1996			Suppliers' Acquisition Costs for Albuterol Sulfate, OIG, Department of Health and Human Services	
1066	8/5/96	HHC014-0172 – HHC014-0176		Letter re: Acquisition Costs vs. Average Wholesale Price from Grant E. Steffen, Blue Cross Blue Shield of North Dakota, Medicare Part B of Colorado, to Jill Merrill, Medicare Program, Health Care Financing Administration	
1067	10/2/96	HHC003-0479 – HHC003-0484		Letter from Zachary T. Bentley & T. Mark Jones to Dr. Bruce Vladek, Administrator, Health Care Financing Administration re: Excessive Reimbursements for Certain Pharmaceuticals by the Medicare and Medicaid Programs	
1068	4/21/93	AWP056-1410-AWP056-1410 (also stamped CIGNA 00013677)		Letter from Roxanne O. Perry to Teresa Wilson, Department of Health and Human Services, Health Care Financing Administration	
1069	2/2/97; 2/13/97; 3/4/97;			President's Fiscal Year 1998 Budget Proposal for Medicare, Medicaid and Welfare, Hearings Before the Committee on Finance, United States Senate, 150 <sup>th</sup> Congress, First Session.	

TRIAL EXH. NO.	DOC. DATE	BATES RANGE	DEPO. EXH.	DOCUMENT TITLE/DESCRIPTION	OBJECTION
	3/5/97				
1070	4/1997			Medicaid Pharmacy – Actual Acquisition Cost of Prescription Drug Products for Brand Name Drugs, OIG, Department of Health and Human Services	
1071	6/24/97			Balanced Budget Act of 1997, Report of the Committee on the Budget, House of Representatives, H.R. Rep. No. 105-149	
1072	8/4/97			Medicaid Pharmacy – Actual Acquisition Cost of Generic Prescription Drug Products, OIG, Department of Health and Human Services	
1073	8/5/1997			“The Real Deal,” The News Hour with Jim Lehrer Transcript #5887	
1074	12/13/97			Remarks by the President In Radio Address to the Nation, Office of the Press Secretary (Westlaw)	
1075	12/97			Excessive Medicare Payments for Prescription Drugs, OIG, Department of Health and Human Services	
1076	1/98			Program Memorandum Intermediaries/Carriers re: Implementation of the New Payment Limit for Drugs and Biologicals, Department of Health and Human Services, Health Care Financing Administration	
1077	1/26/98	HHC001-0363 – HHC001-0366		Letter from Nancy-Ann Min DeParle, Administrator, to the Honorable Fortney Pete Stark	
1078	8/98			“Are Medicare Allowances for Albuterol Sulfate Reasonable?,” OIG, Department of Health and Human Services	
1079	11/98			Comparing Drug Reimbursement: Medicare and Department of Veterans Affairs, OIG, Department of Health and Human Services	
1080	1999			Report to Congress: The Average Wholesale Price for Drugs Covered Under Medicare, Donna E. Shalala, Secretary, Department of Health and	

TRIAL EXH. NO.	DOC. DATE	BATES RANGE	DEPO. EXH.	DOCUMENT TITLE/DESCRIPTION	OBJECTION
				Human Services	
1081	6/99			The Impact of Medicare Payment Policies on Patient Access to Quality Cancer Care, Barton C. McCann, M.D. & Julia A. James, Health Policy Alternatives	
1082	5/24/00			Letter from House Representative Cliff Stearns, United States Representative, to Donna Shalala, Secretary, Department of Health and Human Services	
1083	5/31/00			Letter from Donna Shalala, Secretary, Department of Health and Human Services, to Representative Tom Bliley, Chairman, Commerce Committee	
1084	6/20/00			Medicare Reimbursement of Albuterol, OIG, Department of Health and Human Services	
1085	7/14/00			Letter from various members of Congress (Rosa DeLauro, et al.) to Donna Shalala, Secretary, Department of Health and Human Services	
1086	7/28/00			Letter from various members of Congress (Saxby Chambliss et al.) to Donna Shalala, Secretary, Department of Health and Human Services	
1087	8/3/00			Letter from Senators Christopher Bond and John Ashcroft to Donna Shalala, Secretary, Department of Health and Human Services	
1088	9/5/00			Congressional Debate re: Cancer Care Preservation Act, Congressional Record, Senate S8022 (J. Ashcroft speaking)	
1089	9/6/00			Letter from Spencer Abraham to Donna Shalala, Secretary, Department of Health and Human Services	
1090	9/8/00			Letter from Nancy-Ann Min DeParle, Administrator, to Members of Congress	
1091	9/8/00			Program Memorandum re: An Additional Source of Average	

TRIAL EXH. NO.	DOC. DATE	BATES RANGE	DEPO. EXH.	DOCUMENT TITLE/DESCRIPTION	OBJECTION
				Wholesale Price Data in Pricing Drugs and Biologicals Covered by the Medicare Program, Department of Health and Human Services, Health Care Financing Administration	
1092	10/25/00			Letter from Donna Shalala, Secretary, Department of Health and Human Services to Spencer Abraham	
1093	11/17/00			Program Memorandum: Source of Average Wholesale Price Data in Pricing Drugs and Biologicals Covered by the Medicare Program, Department of Health and Human Services, Health Care Financing Administration	
1094	1/01			Medicare Reimbursement of Prescription Drugs, OIG, Department of Health and Human Services	
1095	5/01			Reform of the Medicare Payment Methods for Cancer Chemotherapy, American Society of Clinical Oncology	
1096	5/3/01			Program Memorandum Intermediaries/Carriers re: Implementation of Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (BIPA) Requirements for Payment Allowance of Drugs and Biologicals Covered by Medicare, Department of Health and Human Services, Health Care Financing Administration	
1097	8/10/01			Medicaid Pharmacy – Actual Acquisition Cost of Brand Name Prescription Drug Products, OIG, Department of Health and Human Services	
1098	9/01			Payments for Covered Outpatient Drugs Exceed Providers' Cost, GAO Report to Congressional Committees	
1099	9/21/01			Medicare Drug Reimbursements: A Broken System for Patients and Taxpayers, Joint Hearing before the Subcommittee on Health and the Subcommittee on Oversight and Investigations of the Committee on	

TRIAL EXH. NO.	DOC. DATE	BATES RANGE	DEPO. EXH.	DOCUMENT TITLE/DESCRIPTION	OBJECTION
				Energy and Commerce, House of Representatives, 107 <sup>th</sup> Cong. 89, First Session, Serial No. 107-65	
1100	9/21/01			Medicare Part B Drugs – Program Payments Should Reflect Market Prices, Statement of William Scanlon, GAO Report	
1101	10/2001			Medicare Physician Fee Schedule: Practice Expense Payments to Oncologists Indicate Need for Overall Refinements, GAO Report	
1102	3/14/02			Testimony of Thomas Scully, HCFA Administrator, before the Subcommittee on Health Care of the Finance Committee of the U.S. Senate, 107 <sup>th</sup> Cong., S.Hrg. 107-684	
1103	3/2002			Excessive Medicare Reimbursement for Albuterol, OIG, Department of Health and Human Services	
1104	3/14/02			Medicaid Pharmacy – Actual Acquisition Cost of Generic Prescription Drug Products, OIG, Department of Health and Human Services	
1105	6/12/02			Challenges Remain in Setting Payments for Medical Equipment and Supplies and Covered Drugs, GAO publication of the statement of Leslie G. Aronovitz, Director, Health Care Program Administration and Integrity Issues before the Subcommittee on Labor, Health and Human Services, Education and Related Agencies, Committee on Appropriations, U.S. Senate	
1106	9/16/02			Medicaid Pharmacy – Additional Analyses of the Actual Acquisition Cost of Prescription Drug Products, OIG, Department of Health and Human Services	
1107	10/3/02			Medicare Payments for Currently Covered Prescription Drugs Hearing Before the Subcommittee on Health of the Committee on Ways and Means, House of Representatives, Committee on Ways and Means, House of Representatives, 107 <sup>th</sup>	

TRIAL EXH. NO.	DOC. DATE	BATES RANGE	DEPO. EXH.	DOCUMENT TITLE/DESCRIPTION	OBJECTION
				Congress, Second Session, Serial No. 107-84	
1108	10/3/02			Report to the General Court Reimbursement for Prescribed Drugs Commonwealth of Massachusetts Executive Office of Health and Human Services, Division of Health Care Finance and Policy	
1109	1/2/03			Report on the Legislative and Oversight Activities of the Committee on Ways and Means, H.R. Rep. No. 107-801 (2003)	
1110	6/03			Report to the Congress, Variation and Innovation in Medicare Payment Advisory Commission ("Medpac")	
1111	8/03			Health Plan Payment for Physician-Administered Drugs, Medpac study conducted by Dyckman & Associates	
1112	8/03			Physician-Administered Drugs: Distribution and Payment Issues in the Private Sector, Medpac study conducted by NORC at the University of Chicago and Georgetown University	
1113	9/03			The Evolution of Community Oncology Care & Its Threatened Extinction Due to Federal and Private Payment Reform	
1114	10/03			State Strategies to Contain Medicaid Drug Costs, OIG, Department of Health and Human Services	
1115	1/04			Update: Excessive Medicare Reimbursement for Albuterol, OIG, Department of Health and Human Services	
1116	6/21/04			Medicaid and Medicare Drug Pricing: Strategy to Determine Market Prices, Final Report, Stephen W. Schondelmeyer, PRIME Institute, University of Minnesota & Marian V. Wrobel, Abt Associates Inc., prepared for the Centers for Medicare and Medicaid Services	
1117	12/1/04			Medicare Chemotherapy Payments: New Drug and Administration Fees Are Closer to Providers' Costs, GAO	

TRIAL EXH. NO.	DOC. DATE	BATES RANGE	DEPO. EXH.	DOCUMENT TITLE/DESCRIPTION	OBJECTION
1118	2005			42 U.S.C. § 1395w-3a	
1119	9/8/05-9/9/05			Study of the Effects of Medicare Payment Changes on Oncology Services, Medpac	
1120	03/31/03	AWP-PIPE-000518 – AWP-PIPE-000522	Hannaford, 12/29/05, Exh. 010	RX for Margins – Hired to Cut Costs, Firms Find Profits in Generic Drugs	
1121	9/24/99	AWP-PIPE-000094 – AWP-PIPE-000094	Hannaford, 12/29/05, Exh. 020	Blue Cross Blue Shield of Massachusetts: Administrative Services Account Agreement	
1122		AWP-PIPE-00833 – AWP-PIPE-00920		Master Medical Benefit Description	
1123		AWP-PIPE-00921 – AWP-PIPE-01008		Pipefitters Local Union #537 Health and Welfare Plan	
1124		HPH 000001 – HPH 000051	Farias, 10/20/04, Exh. 001	Harvard Pilgrim Health Care, Inc. - Medical Services Agreement	
1125		HPH 000052 – HPH 000075	Farias, 10/20/04, Exh. 002	Harvard Pilgrim Health Care, Inc. – Participating Provider Agreement	
1126	9/8/00	BCBSMA-AWP-42822 – BCBSMA-AWP-42831		The Lewin Group - Impact of AWP Reductions on the Provision of Home Drug Therapies to Medicare and Medicaid Patients	
1127	1/5/00	A-VA 03010065 – A-VA 03010068		Documents produced by Trigon	
1128	7/14/92	BCBSMA-AWP-33415 – BCBSMA-AWP-40618		James Brudnick Co, Inc. – Contract Customer Report	
1129	12/07/91	BCBSMA-AWP-41630 – BCBSMA-AWP-41630		Medical West Inc. – Inventory Cost and Quantity Worksheet	
1130	1/24/96	SMW 56611 – SMW 56630		Sheet Metal Workers' National Health Fund Administration, Claims Paying and Consultation Services Agreement Amendment (Redacted)	

TRIAL EXH. NO.	DOC. DATE	BATES RANGE	DEPO. EXH.	DOCUMENT TITLE/DESCRIPTION	OBJECTION
1131	1/27/05	SMW 56631 – SMW 56683		Sheet Metal Workers' National Health Fund, Consultant's Annual Experience and Statistical Report, Year Ended December 31, 2004	
1132		SMW 0004 – SMW 0033	Randle, 11/17/05, Exh. 3	Supplemental Medicare Wraparound Plus (SMW+) Program of the Sheet Metal Workers; National Health Fund, Summary Plan Description	
1133	9/23/02	MDL-JJ00000159 – MDL-JJ00000162	Morgan, 1/11/05, Exh. 026	E-mail Correspondence regarding AWP Spread	
1134	6/15/99		Morgan, 1/11/05, Exh. 005	Price Alert – Demystifying AWP	
1135			Morgan, 1/11/05, Exh. 010	FDB Price Report (decoded)	
1136	9/12/97	FDB-AWP-00532 – FDB-AWP 00537	Morgan, 1/11/05, Exh. 012	Bristol-Myers Squibb Company – Pricing Support	
1137	6/2/04	ABC(AWP)001960 – ABC(AWP) 001962	Morgan, 1/12/05, Exh. 056	Confidential (Exhibit A) – First DataBank Drug Price Policy (Draft)	
1138	4/01/02	FDB-AWP-18637 – FDB-AWP-18638	Morgan, 1/11/05, Exh. 024	Bristol-Myers Squibb – Price Increase Notification	
1139	2/01/06			<i>District Council 37 v. McKesson Corp.</i> Civil Action Complaint Filed 2/01/06	
1140	8/03		Dyckman, 10/21/04, Exh. 1	Survey of Health Plans Concerning Payment Fees and Payment Methodology: A Study conducted by Dyckman & Assocs. for MedPAC	
1141	7/03		Dyckman, 10/21/04, Exh. 2	Report on Health Plan Payment for Physician Administered Drugs: A study conducted by Dyckman & Assocs. for MedPAC	
1142	1/04		Dyckman, 10/21/04, Exh.	Dyckman's Curriculum Vitae	

TRIAL EXH. NO.	DOC. DATE	BATES RANGE	DEPO. EXH.	DOCUMENT TITLE/DESCRIPTION	OBJECTION
			3		
1143	8/03		Dyckman, 10/21/04, Exh. 9	Medicare Physician Payment Rates Paid by the Average Private Insurer, 1999-2001: A study conducted by Direct Research, LLC for MedPAC	
1144	8/08/03		Dyckman, 10/21/04, Exh. 10	Explaining Differences Between the Two MedPAC-Sponsored Analyses of Private Insurer's Physician Fees, by C. Hogan and Z. Dyckman	
1145	6/06/92		Smith, 4/14/06, Exh. 1	Drug Purchase Agreement between BCBSMA and SmithKline Beecham	
1146	2/07/04	BCBSMA-AWP- 11598A – BCBSMA-AWP- 11598A		Presentation titled "Analysis of CMA Average Wholesale Price Reform - Reimbursement for Part B Drugs" produced by BCBSMA electronically on a CD bearing Bates number BCBSMA-AWP-11598A	
1147	6/21/01	BCBSMA-AWP- 17406 – BCBSMA-AWP- 17433		Express Scripts Specialty Care Program Overview for BCBSMA	
1148	6/19/02	BCBSMA-AWP- 17372 – BCBSMA-AWP- 17386		Specialty Pharmaceutical Initiative Presentation	
1149	1/29/03	BCBSMA-AWP- 17182 – BCBSMA-AWP- 17197		BCBSMA – New Medical Management Model (NM3) – Steering Committee Meeting	
1150	01/99	BCBSMA-AWP- 0005 – BCBSMA-AWP- 0005	Fox, 3/08/06, Exh. 12	BCBSMA – Group Primary Care Physician Agreement produced by a CD bearing the Bates number BCBS- AWP-0005	
1151		BCBSMA-AWP- 0001 – BCBSMA-AWP- 0001		Representative extracts from BCBSMA fee schedules produced by BCBSMA electronically on CD bearing Bates number BCBSMA- AWP-0001	
1152	4/90	NHIC-BCBSMA 020786 – NHIC-BCBSMA 020786		Medicare Carriers Manual - Part 3 - Claims Process	

TRIAL EXH. NO.	DOC. DATE	BATES RANGE	DEPO. EXH.	DOCUMENT TITLE/DESCRIPTION	OBJECTION
1153	12/27/02	NHIC-BCBSMA 020851 – NHIC-BCBSMA 020851		Standardizing Prices for Medicare Covered Drugs	
1154	10/27/93	NHIC-BCBSMA 023475— NHIC-BCBSMA 023476		Memorandum from Jeannette Connell to Distribution List regarding an e-mail received from Frederick S. Ross	
1155	12/98	NHIC-BCBSMA 023820 – NHIC-BCBSMA 023820		Section of NHIC publication entitled “Drug Allowances for 1999”	
1156	11/18/93	NHIC-BCBSMA 023858 – NHIC-BCBSMA 023858		Correspondence from Lisa Morse, MCCM to Roberta Tulley, Medicare Part B regarding BICNU (Carmustine) reimbursement	
1157		NHIC-BCBSMA 023946 – NHIC-BCBSMA 023946		Hartford Pharmacy Price List	
1158		NHIC-BCBSMA 023947 – NHIC-BCBSMA 023953		Medicare Part B Fair Hearing Data Sheet	
1159	12/27/02	NHIC-BCBSMA 020851 – NHIC-BCBSMA 020851		Standard Prices for Medicare Covered Drugs	
1160	3/9/88	NHIC-BCBSMA 022853 – NHIC-BCBSMA 022854		Interoffice Memorandum from Vincent DePierre to Maryellen Madden regarding Oncology Practice	
1161	3/5/88	NHIC-BCBSMA 022855 – NHIC-BCBSMA 022856		Document entitled Issues re: Oncology Meeting, with handwritten notes	
1162	2/23/88	NHIC-BCBSMA 022861 – NHIC-BCBSMA 022863		Correspondence between Massachusetts Society of Community Oncologists, Inc. and Mary Ellen Madden, Manager of External Affairs, Medicare	
1163	3/4/05	NHIC-BCBSMA 023275 – NHIC-BCBSMA 023275		Correspondence between Jeffrey G. Mace, M.D. and Medicare Claims Review concerning supplies used during dobutamine stress testing	

TRIAL EXH. NO.	DOC. DATE	BATES RANGE	DEPO. EXH.	DOCUMENT TITLE/DESCRIPTION	OBJECTION
1164	11/17/00	NHIC-BCBSMA 023552 – NHIC-BCBSMA 023552		Program Memorandum Intermediaries/Carriers regarding Source of Average Wholesale Price Data in Pricing Drugs and Biologicals Covered by the Medicare Program	
1165	1/29/91	NHIC-BCBSMA 023969 – NHIC-BCBSMA 023969		Correspondence between Frontier Pharmacy and Provider Relations, Medicare Part B regarding AWP based reimbursement	
1166	11/99	NHIC-BCBSMA 006617 – NHIC-BCBSMA 006617		Medicare B Bulletin, section regarding Drug Allowances	
1167	Fax line dated 11/7/95	NHIC-BCBSMA 014811 – NHIC-BCBSMA 014811		Section of document entitled “Reasonable Charge Determinations”	
1168		NHIC-BCBSMA 016918 – NHIC-BCBSMA 016918		Section of document entitled “Reasonable Charge Determinations”	
1169	4/92	NEB 0000459 – NEB 0000474		Blue Cross Blue Shield Association Prescription Drug Benefit Survey April 1992	
1170	July 1998			How Increased Competition from Generic Drugs Has Effected Prices and Returns in Pharmaceutical Industry, A CBO Study, July 1998	
1171		A-OH 01020581 – A-OH 01020581		Anthem Ohio E-mail	
1172	1/5/00	A-VA 03010065 – A-VA 03010068		Anthem Virginia Provider Correspondence	
1173	8/20/03			Federal Register, Vol. 68, No. 161, August 20, 2003	
1174		A-ME 04030961 – A-ME 04030966		Anthem Maine Hematology and Oncology Impact	
1175		A-ME 04030624 – A-ME 04030635		Anthem Maine Hematology and Oncology Impact	
1176	2/20/03			Federal Register, Vol. 68, No. 34, Federal Register Discussion on CMS Decision to Repeal NDCs as Standard for Retail and Physician Admin.	

TRIAL EXH. NO.	DOC. DATE	BATES RANGE	DEPO. EXH.	DOCUMENT TITLE/DESCRIPTION	OBJECTION
				Drugs	
1177				Kaiser Family Foundation and Health Research and Educational Trust, Employer Health Benefits: 2002 Annual Survey, Kaiser Family Foundation and Health Research and Educational Trust	
1178	2003			2003 Prescription Drug Benefit Cost and Plan Design Survey Report, Pharmacy Benefit Management Institute, Inc., 2003 Ed.	
1179	8/6/98	AET 001351 – AET 001552		Aetna Immunizations and Injections Processing Manual, Aug. 8, 1998	
1180				Managed Care Organizations (Health Plans) with a Direct Contractual Relationship with Track 1 Manufacturers (Young Declaration Exhibit 6a)	
1181				Overview of the Medical Benefit Drug Reimbursement (Young Declaration Exhibit 11b)	
1182		HHC907-0544 – HHC907-0544		One-page statement regarding AWP, Generic Price, and EAC.	
1183				Statement of the F.T.C. In the Matter of Caremark Rx, Inc./Advance PCS	
1184		ESI-277-000020 66 – ESI-277-000020 77		Express Scripts Draft Report: Pharmacy Benefit Program Pricing Proposal	
1185		CMK-AWP 0037 24 – CMK-AWP 0037 49		AdvancePCS Health. L.P.: Managed Pharmacy Benefits Services Agreement [Draft]	
1186				George Stigler, "The Economics of Information," June 1961, The Journal of Political Economy	
1187				Kenneth Arrow, "Uncertainty and the Welfare Economics of Medical Care," December 1963, The American Economic Review, Vol. 53, Issue 5	
1188				George Stigler, "A Theory of Oligopoly," February 1964, The Journal of Political Economy	
1189	11/25/91		Hartman, 2/27/06, Dep.	56 Fed. Reg. 58502, November 25, 1991	

TRIAL EXH. NO.	DOC. DATE	BATES RANGE	DEPO. EXH.	DOCUMENT TITLE/DESCRIPTION	OBJECTION
			Exh. 28		
1190		AWP057-0087 – AWP057-0890 CIGNA00016829 – CIGNA00016832		1992 Memorandum 91-35 from the Director of Program Operations and Procedures – Medicare re: Physician Payment Reform, Questions and Answers – Information	
1191	11/2/93	HHC019-0291 – HHC019-0292		Letter to Carol Walton, Director of Bureau of Program Operations from Fred Rosen Director of Carrier Operations re: Assignment of Lead Contractor to Calculate Average Wholesale Price for Drugs	
1192	8/24/94	AWP011-0867 – AWP011-0867		Letter to all Carriers from Nancy O'Connor from Division of Medicare re: Memorandum – Determination of Acquisition Cost of Drugs	
1193	10/17/94	HHC015-1677 – HHC015-1679		Letter to Susan Coonfield of Aetna Life Insurance Company from Frank Camozzi of the DHHS re: Calculation of Payment for Drugs not Paid for on a Cost or Prospective Payment Basis	
1194	10/17/94	HHC015-1680 – HHC015-1682		Letter to Galdys Yamashiro of Aetna Life Insurance Company from Frank Camozzi of the DHHS re: Calculation of Payment for Drugs not Paid for on a Cost or Prospective Payment Basis	
1195	10/17/94	HHC015-1683 – HHC015-1685		Letter to George Garcia of Transamerica Accidental Life Insurance Company from Frank Camozzi of the DHHS re: Calculation of Payment for Drugs not Paid for on a Cost or Prospective Payment Basis	
1196	10/17/94	HHC015-1686 – HHC015-1688		Letter to Christopher Traube of Blue Shield of California from Frank Camozzi of the DHHS re: Calculation of Payment for Drugs not Paid for on a Cost or Prospective Payment Basis	
1197	11/4/94	HHC015-1693 – HHC015-1694		Letter to S. Stewart, Patient Accounts Department at Mission Medical Tower from Frank Camozzi at Medicare re: Drug Pricing Under Medicare Part B	
1198	4/18/95	HHC015-1622 – HHC015-1626		Letter to Tamie Stacie of Giangreco Medical Group from Theresa Stromback, of HCFA re: Drug	

TRIAL EXH. NO.	DOC. DATE	BATES RANGE	DEPO. EXH.	DOCUMENT TITLE/DESCRIPTION	OBJECTION
				Reimbursement	
1199	6/25/96	HHC023-0055 – HHC023-0056		Letter to Jean Stone at Health Care Financing Administration from Edward Cox, Upstate Medicare Division	
1200	8/6/96	TAP 5050888 – TAP 5050888		Memorandum to Physicians from Grant Steffen, MD Re: Average Wholesale Price and Acquisition Cost	
1201	6/19/97	HH007-0497 – HH007-0502		Statement of Kathleen A. Buto: “Resource-Based Physician Practice Expense”	
1202	6/24/97			Balanced Budget Act of 1997, § 4616, Report of the Committee on the Budget, House of Representatives to Accompany H.R. 2015	
1203	6/30/97			Balanced Budget Act of 1997, § 4556, Conference Report to Accompany H.R. 2015	
1204	12/8/97	AWP019-1516 – AWP019-1516		“Government Paid Too Much for Some Drugs,” December 8, 1997 Wall Street Journal	
1205	12/13/97			President Clinton, Weekly Address To The Nation 12/13/97	
1206	12/13/97			CD containing President Clinton's Weekly Address to the Nation, 12/13/97	
1207	March/April 1998			March/April 1998 Weissman, Beard & Morrow, “Chemotherapy Administration and Medicare RBRVS,” Oncology Issues	
1208	7/98			July 1998 OIG, “The Impact of High-Priced Generic Drugs on Medicare and Medicaid”	
1209	6/99			McCann & James, “The Impact of Medicare Payment Policies on Patient Access to Quality Cancer Care,” Health Policy Alternatives, June 1999	
1210	10/1/99			“Payment for Drugs and Biologicals that are not Paid on a Cost Perspective,” October 1, 1999 42 CFR 405.17	
1211	5/12/00			Wall Street Journal Article: “Medicare Monitor: How a Whistle-Blower Spurred Pricing Case Involving Drug Makers -- . . .” May	

TRIAL EXH. NO.	DOC. DATE	BATES RANGE	DEPO. EXH.	DOCUMENT TITLE/DESCRIPTION	OBJECTION
				12, 2000	
1212	9/8/00	AWP041-0922 (1st pg.)  AWP010-0875 - AWP010-0896 (2nd pg.)		DHHS Memorandum re: Medicare Contractor Implementing Instruction Approved Through the HCFA Change Management Process—ACTION	
1213	7/30/02	UFCW 00747 – UFCW 00766		Draft Integrated Prescription Drug Program Master Agreement between Medco Health Solutions, INC. and a “Sponsor”	
1214	6/24/04			Alan Mackenzie Trial Transcript	
1215	6/24/04			Government’s Memorandum Regarding RTP as a Kickback Under Paragraph 55(b) of the Conspiracy Charged in Count I	
1216	11/11/99	RB 00331 – RB 00332		Red Book™ Database Expanded Format File Record Layout	
1217		RB 00209 – RB 00214		Red Book for Windows brochure	
1218		RB 00203 – RB 00208		Ready Price brochure	
1219	1993	RB 00803 – RB 00878		1993 Red Book	
1220 *				Reimbursement Amount for Level V Initial Office Visit	
1221 *				Reimbursement Amount for Level V Established Patient Visit	
1222 *				Reimbursement Amount for Blood Count Lab Work	
1223 *				Reimbursement for Drug Administration: 2002-2003	
1224 *				Reimbursement for Drug Administration: 2004-2005	
1225 *				Physician Oncology: 2002-2005 Income Statements-By Source of Payment	
1226 *				Physician Oncology: 2002-2005 Income Statements-By Source of Revenue	
1227 *				Physician Oncology: Medicare Drug Margins – 2004-2005	
1228 *				Physician Oncology: Bad Debt Expense Worksheet	

TRIAL EXH. NO.	DOC. DATE	BATES RANGE	DEPO. EXH.	DOCUMENT TITLE/DESCRIPTION	OBJECTION
1229	1991-present	BCBSMA-AWP-43317 – BCBSMA-AWP-43320	Arruda, 10/4/06, Exh. 1	BCBSMA Medex Products Offered By Year (1991-present)	
1230		BCBSMA-AWP-42832 – BCBSMA-AWP-42871	Arruda, 10/4/06, Exh. 2	Actuarial Memorandum	
1231	6/25/01		Arruda, 10/4/06, Exh. 3	Direct Pay Medex Overview	
1232	9/96		Arruda, 10/4/06, Exh. 4	Medex Overview Executive Summary	
1233				Varian, Hal, "Revealed Reference" Intermediate Microeconomics: A Modern Approach 5 <sup>th</sup> ed.	
1234				Tirole, Jean, "The Theory of the Firm" The Theory of Industrial Organization	
1235				Laffort & Martimort, Introduction, The Theory of Incentives: The Principal-Agent Model	
1236				Feldstein, Paul, "The Market for Health Insurance: It's Performance and Structure," Health Care Economics, 6 <sup>th</sup> ed.	
1237				Feldstein, Paul, "The Pharmaceutical Industry," Health Care Economics, 6 <sup>th</sup> ed.	
1238				Feldstein, Paul, "The Physician Service Market," Health Care Economics, 6 <sup>th</sup> ed.	
1239				Town & Vistnes, "Hospital Competition in HMO Networks," The Journal of Health Economics 20	
1240	Winter, 1991			Hillman, Pauly, Kerman, & Martinek , "HMO Managers' View on Financial Incentives and Quality, " Data Watch, Winter 1991	
1241	1993			Blair & Harrison, "The Antitrust Laws and Monopsonistic Forms of Conduct," 1993 Monopsony: Antitrust Law and Economics	
1242	1993			Blair & Harrison, The Antitrust Response to Monopsony and Collusive Monopsony," 1993, Monopsony: Antitrust Law and	

TRIAL EXH. NO.	DOC. DATE	BATES RANGE	DEPO. EXH.	DOCUMENT TITLE/DESCRIPTION	OBJECTION
				Economics	
1243	1997			Brooks, Dor, & Wong, "Hospital – Insurer Bargaining," 1997 Journal of Health Economics 16 (1997)	
1244	1997			Schweitzer, Stuart, "Pharmaceutical Prices," 1997, Pharmaceutical Economics and Policy	
1245	1/1/01			Smith, Girtman, & Riggins, "Why Academic Divisions of Hematology/Oncology Are in Trouble and Some Suggestions for Resolution," 1/1/01, The Journal of Clinical Oncology, Vol. 19, No. 1	
1246	12/03			Sorensen, Alan, "Insurer-Hospital Bargaining: Negotiated Discounts in Post-Deregulation Connecticut," 12/2003, The Journal of Industrial Economics, Vol. 51, No.1	
1247				The CMS Chart Series, Centers for Medicare & Medicaid Services	
1248				Borges, Walt, "Mo' Better Blues: Critics Say Blue Cross and Blue Shield Has Improved"	
1249	1989			Gray and Field, eds., "Controlling Costs and Changing Patient Care? The Role of Utilization Management" Committee on Utilization Management by Third Parties Division of Health Care Services Institute of Medicine, National Academy Press, Washington D.C., 1989	
1250	6/28/98			Freudenberg, Milt, Insurers Tighten Rules and Reduce Fees for Doctors, NYT, June 28, 1998	
1251	1970-2000			Table 202 Number of Active Physicians (MDs) and Physician to Population Ratios by Specialty, Selected Years 1970-2000	
1252	2001			Kongstvedt, Peter R., The Managed Health Care Handbook, 4 <sup>th</sup> ed., Aspen Publication, 2001 featuring Ch. 3 "Types of Managed Care Organizations"	
1253	2001			Kongstvedt, Peter R. The Managed Health Care Handbook, 4 <sup>th</sup> ed., Aspen	

TRIAL EXH. NO.	DOC. DATE	BATES RANGE	DEPO. EXH.	DOCUMENT TITLE/DESCRIPTION	OBJECTION
				Publication, 2001 featuring Table of Contents and Ch. 8 "Compensation of Primary Care Physicians in Managed Health Care"	
1254	12/31/01			Oxford Health Plans, Inc., SEC 10-K Form for year ending December 31, 2001	
1255	2001			"Critical Condition: Physician Practices and the Future of Massachusetts Health Care," Massachusetts Medical Society, 2001	
1256	5/01			May 2001 ASCO Report "Reform of the Medicare Payment Methods for Cancer Chemotherapy"	
1257	Fall, 2002			Broker Edge, Fallon Community Health Plan, Vol. I, No. 3, Fall 2002	
1258	2002			Employer Health Benefits, The Kaiser Family Foundation and Health Research and Educational Trust, 2002 Annual Survey	
1259				CIGNA Corporation SEC Form 10-K for year ended December 31, 2002	
1260	4/1/02			Markian Hawryluk, "Medicare drug pricing fix could threaten physician pay," <i>AMNews</i> , April 1, 2002 at Amednews.com	
1261	2003			2003 BlueQuote Medex 3 (with OBRA and Restructuring) Fact Sheet	
1262	2004			2004 BlueQuote, BlueCross BlueShield of Massachusetts; Managed Blue for Seniors without Formulary Fact Sheet, list of price for patient services	
1263	1/04			Medicare Participation Options for Physicians, prepared by Federal Affairs and Outreach, January 2004	
1264	Winter, 2004-2005			William Buczko, Ph.D., "Provider Opt-Out Under Medicare Private Contracting," <i>Health Care Financing Review</i> , Winter 2004-2005, Vol. 26, No. 2	
1265	2005			Scionti, Stephen M. MD, "Medicare Reform-A Major Economic Impact on Private Urological Practice," <i>Business Briefing: US Kidney &amp; Urological Disease</i> 2005	

TRIAL EXH. NO.	DOC. DATE	BATES RANGE	DEPO. EXH.	DOCUMENT TITLE/DESCRIPTION	OBJECTION
1266				Responses to Specialty Pharmacy Provider Questions from the PRC Monthly Conference Call	
1267	5/1/96			Hospital Participation Agreement Amendment	
1268	1/5/00			Letter to Karen Ford Manza, Regional Director, Managed Care from Keane Chan from Trigon re: Trigon Service Agreements	
1269	12/00			Pipefitters Union Local 537 Health and Welfare Plan	
1270	1/5/04			BlueCross BlueShield of Massachusetts Specialty Committee Meeting	
1271	3/1/04			Physician Group Agreement	
1272	10/25/04			Declaration of Eric M. Gaier PH.D. In Support of Defendants' Opposition to Class Certification	
1273	12/15/04			Analysis of CMS Average Wholesale Price Reform Reimbursement for Part B Drugs	
1274	1/21/05			Sur-Reply Declaration of Eric M. Gaier PH.D. In Support of Defendants' Opposition to Class Certification	
1275	2/9/05			Report of Independent Expert Professor Ernst R. Berndt to Judge Patti B. Saris	
1276	3/15/06			Declaration of Eric M. Gaier, PH.D., In Support of Track 1 Defendants' Joint Motion for Summary Judgment	
1277	3/21/06			Merits Report and Declaration of Eric M. Gaier, PH.D.	
1278	7/14/06			Declaration of Eric M. Gaier, PH.D., In Support of the Track 1 Defendants' Joint Motion For Summary Judgment With Respect to Class 3	
1279	1960-2004			National Health Expenditures by Type of Services and Source of Funds: Calendar Year	

TRIAL EXH. NO.	DOC. DATE	BATES RANGE	DEPO. EXH.	DOCUMENT TITLE/DESCRIPTION	OBJECTION
1280	8/15/75			40 Fed. Reg. 34515, "Social and Rehabilitation Service (Assistance Programs), Department of Health, Education, and Welfare Part 250-Administration of Medical Assistance Programs"	
1281	12/13/77			HCFA "Title XIX Social Security Act Limitation on Payment or Reimbursement for Drug EAC"	
1282	11/92			OIG, "Physicians' Cost for Chemotherapy Drugs"	
1283	1996-1999			Medicare Beneficiaries Enrolled by Census Region, Division and State	
1284	6/25/97			Balanced Budget Act of 1997 § 1354, Report of the Committee on the Budget, House of Representatives to Accompany H.R. 2015	
1285	3/00			Budget Options Report Medicare Reimbursement	
1286	7/25/00			Testimony of Robert B. Betz, Ph.D. Department of Veterans' Affairs Pharmaceutical Procurement Initiative- Adding Federal Employee Health Benefit Plan Participants to the Federal Supply Schedule Drug Pricing Program Committee on Veterans' Affairs Subcommittee on Health U.S. House of Representatives	
1287	7/01			Medicare Enrollment—All Beneficiaries as of July, 2001	
1288	2002			Census 2000 Brief "The 65 Years and Over Population"	
1289	2002			Table 8.12 Selected Health Care Services (NAICS 621, 622 and 623) Estimated Revenue for Employer Firms by Source: 1998-2003	
1290	3/14/02			2002 WL 399357 (F.D.C.H.) "Reimbursement and Access to Prescription Drugs Under Medicare Part B," March 14, 2002	
1291	7/02			Medicare Enrollment—All Beneficiaries as of July 2002	

TRIAL EXH. NO.	DOC. DATE	BATES RANGE	DEPO. EXH.	DOCUMENT TITLE/DESCRIPTION	OBJECTION
1292	2003			Medicare Part B Physician/Supplier National Data- Calendar Year 2003 – Expenditures and Services by Specialty	
1293	2003			Medicare Enrollment: National Trends- Hospital and/or Supplementary Medical Insurance 1966-2003	
1294	2003			Medicare Enrollment: National Trends- Supplementary Medical Insurance 1966-2003	
1295	1/16/03			MedPAC "Exploring Alternatives to AWP-Pricing for Medicare-Covered Drugs"	
1296	3/03			Massachusetts Health Care Trends: 1990-2000 2d	
1297	3/03			Report to Congress: Medicare Payment Policy Section 2B "Assessing Payment Adequacy and Updating Payment for Physician Services."	
1298	7/1/99 - 2003			Medicare Beneficiaries Enrolled by State as of July 1, 1999-2003	
1299	7/03			Medicare Enrollment—All Beneficiaries as of July, 2003	
1300	9/24/03			"Physician Information Sharing," Statement of American Medical Association to the FTC and DOJ, Hearings on Health Care Competition Law and Policy,	
1301	2/26/04			Committee on Ways & Means, Medicare Prescription Drug, Improvement, and Modernization Act of 2003 "Reimbursement for Part B Drugs: Average Wholesale Price Reform"	
1302	4/04			NY-NJ-CT-PA National Compensation Survey 2004	
1303	11/15/04			69 Fed. Reg. 66406, Table 41 Impact of Proposed Rule and Physician Fee Schedule Update on Medicare Payment for Selected Drug Administration Services Excluding the Effect of the 32 and 3% Transition Adjustments and Demonstration Project	

TRIAL EXH. NO.	DOC. DATE	BATES RANGE	DEPO. EXH.	DOCUMENT TITLE/DESCRIPTION	OBJECTION
1304	2005			The 2005 Annual Report of the Boards of Trustees of the Federal Hospital Insurance and Federal Supplementary Medical Insurance Trust Funds	
1305	2005			Community Cancer Care Preservation Act of 2005 – Section Analysis	
1306	3/4/05			DHHS, "Health and Human Services Department, Centers for Medicare and Medicaid Services, Medicare Program; Competitive Acquisition of Outpatient Drugs and Biologicals Under Part B; General Information"	
1307	6/05			A Data Book: Healthcare Spending and the Medicare Program, Section 11	
1308	9/05			September 2005 OIG, "Adequacy of Medicare Part B Drug Reimbursement to Physician Practices for the Treatment of Cancer Patients,"	
1309	10/05			October 2005 CMS Announcement About Medicare Participation	
1310	2006			Standard Medigap Plans Massachusetts 2006	
1311				"Just the Facts," <a href="http://www.BCBSMA.com">www.BCBSMA.com</a>	
1312				"You've heard the words before: "Health Maintenance Organization", or "HMO". But what exactly do they mean?", <a href="http://www.BCBSMA.com">www.BCBSMA.com</a>	
1313				Aetna, John W. Rowe, M.D., Executive Chairman, <a href="http://www.aetna.com">www.aetna.com</a>	
1314				Blue Cross and Blue Shield of Massachusetts, Inc., "Our History" <a href="http://www.BCBSMA.com">www.BCBSMA.com</a>	
1315				Carboplatin Consumer Information, <a href="http://www.Drugs.com">www.Drugs.com</a>	
1316				CIGNA, "Company milestones from 1972 to 2002, Company History," <a href="http://www.cigna.com">www.cigna.com</a>	

TRIAL EXH. NO.	DOC. DATE	BATES RANGE	DEPO. EXH.	DOCUMENT TITLE/DESCRIPTION	OBJECTION
1317				CIGNA, "Pharmacy Claim," <a href="http://www.cigna.com">www.cigna.com</a>	
1318				Fallon Clinic, Locations and Directions, <a href="http://www.fchp.org">www.fchp.org</a>	
1319				Fallon Foundation, Our Story, <a href="http://www.fchp.org">www.fchp.org</a>	
1320				Fallon Senior Plan, About Fallon Senior Plan, <a href="http://www.fchp.org">www.fchp.org</a>	
1321				Fallon Senior Plan, Sales Sessions, <a href="http://www.fchp.org">www.fchp.org</a>	
1322				FCHP, "FCHP plan design options," <a href="http://www.fchp.org">www.fchp.org</a>	
1323				FCHP, "About Fallon Community Health Plan," <a href="http://www.fchp.org">www.fchp.org</a>	
1324				FEIN Number information Search Corporation Tax ID Number, <a href="http://www.knowx.com">www.knowx.com</a>	
1325				Harvard Pilgrim Health Care, "PPO," <a href="http://www.harvardpilgrim.org">www.harvardpilgrim.org</a>	
1326				Harvard Vanguard, Frequently Asked Questions, <a href="http://www.harvardvanguard.org">www.harvardvanguard.org</a>	
1327				Health and Welfare Insurance Notice, <a href="http://www.ualocal4.org">www.ualocal4.org</a>	
1328				Lovelace Health System – About Us, <a href="http://www.lovelacesandia.com">www.lovelacesandia.com</a>	
1329				MAHP, Dr. John Fallon's Biography, John Fallon, M.D., Chief Physician Executive, Blue Cross Blue Shield of MA, <a href="http://www.mahp.com">www.mahp.com</a>	
1330				Neighborhood Health Plan, Paul Mendis, Chief Medical Officer (CMO), <a href="http://www.nhp.org">www.nhp.org</a>	
1331				Oklahoma/New Mexico Medical Services, Medicare Glossary, <a href="http://www.oknmmedicare.com">www.oknmmedicare.com</a>	
1332				Practical News, Strategies and Compliance Information on the Medicare Part D Prescription Drug Benefit, AIS Marketplace, Managed Care Enrollment, Managed Care Market Share Data	
1333				Teamsters Local 170 Health & Welfare Fund Health Plan, <a href="http://www.teamsters170hwf.com">www.teamsters170hwf.com</a>	

TRIAL EXH. NO.	DOC. DATE	BATES RANGE	DEPO. EXH.	DOCUMENT TITLE/DESCRIPTION	OBJECTION
1334				Teamsters Local 170 Health & Welfare Prescription Drug Benefit, <a href="http://www.teamsters170h wf.com">www.teamsters170h wf.com</a>	
1335				Teamsters Union 25 Health Services & Insurance Plan, Benefits Overview, <a href="http://www.teamsterscare.com">www.teamsterscare.com</a>	
1336				Teamsters Union 25 Health Services & Insurance Plan, Provider Directory, <a href="http://www.teamsterscare.com">www.teamsterscare.com</a>	
1337	1987-2004			U.S. Census Bureau, Health Insurance Data, Historical Health Insurance Tables. Table HI-1. Health Insurance Coverage Status and Type of Coverage by Sex, Race and Hispanic Origin: 1987 to 2004	
1338	1987-2004			U.S. Census Bureau, Health Insurance Data, Historical Health Insurance Tables. Table HI-4. Health Insurance Coverage Status and Type of Coverage by State. All People: 1987 to 2004	
1339				United States Department of Health and Human Services, From Wikipedia, the free encyclopedia	
1340				United States Department of Health, Education, and Welfare, From Wikipedia, the free encyclopedia	
1341	1994			NCBI Pub Med, "The Recovery of Bay Health Care, Med Interface, 1994 Mar; 7(3):115-6, 119-20, Blue Cross and Blue Shield of Massachusetts, Boston 02110	
1342	9/8/99			National Bipartisan Commission on the Future of Medicare, "Testimony of Paul Rogers, National Coalition on Health Care," Sept. 8, 1998	
1343	12/17/99			"Harvard Vanguard distances itself from HMO," December 17, 1999, Boston Business Journal	
1344	1/9/00			Kuttner, Robert, "Harvard Pilgrim's Error," January 9, 2000, TAP Online	

TRIAL EXH. NO.	DOC. DATE	BATES RANGE	DEPO. EXH.	DOCUMENT TITLE/DESCRIPTION	OBJECTION
1345	2000			Carlson, Bob, "Byte by Byte, Harvard Pilgrim choked on Unhealthy IT Systems, February 2000, Managed Care	
1346				Stein, Rob, The Washington Post	
1347	4/5/01			"Blue Cross Blue Shield of Massachusetts Makes Organizational Changes," April 5, 2001, <a href="http://www.BCBSMA.com">www.BCBSMA.com</a>	
1348	4/5/01			NEJM, April 5, 2001 – Vol 344, No. 14, Health Policy 2001, "Managed Care In Transition"	
1349				AMDA, "HCFA's New Name, New Initiatives," <a href="http://www.amda.com">www.amda.com</a>	
1350	4/29/02			Weinberg, Ari, "Health Care: Trigon Sounds Good to Anthem," April 29, 2002, Forbes.com	
1351	7/1/02			Ardent, "Ardent Health Services Agrees to Acquire Lovelace Health Systems from CIGNA Corporation," July 1, 2002	
1352	8/27/02			United States Court of Appeals , For the First Circuit , No. 01-2586, <i>Kunwar S. P. Singh, M.D. V. Blue Cross/Blue Shield of Massachusetts, Inc. and Benjamin W. White, M.D.</i> (August 27, 2002)	
1353	2/27/03			CMS, "Medicare Physician Fee Schedule for 2003," February 27, 2003, Fact Sheet	
1354				CIGNA, "Participating Pharmacies in the United States, Guam, Puerto Rico and the U.S. Virgin Islands"	
1355	7/15/03			ASCO, "New Survey Shows Medicare Bills Would Force 53% of Cancer Physicians to Limit Care for Seniors," July 15, 2003	
1356	10/15/03			Pal, Somnath, "Prescription Sales Surpass \$182 Billion in 2002," 10/15/03, U.S. Pharmacist, Vol. No. 28:10	
1357	4/04			Colwell, Janet, ACP, "Medicare's new office-drug payment policy has oncologists concerned about access," April 2004, ACP Observer	

TRIAL EXH. NO.	DOC. DATE	BATES RANGE	DEPO. EXH.	DOCUMENT TITLE/DESCRIPTION	OBJECTION
1358	7/27/04			CMS, "Medicare Proposes Payment Rule to Provide New Preventive Benefits and Raise Physician Payments for 2005," July 27, 2004, Medicare News	
1359	10/20/04			Tufts Health Care Institute, 4 <sup>th</sup> Annual Conference for Case Managers, Nurse Practitioners, and Nurse Educators, "Patient Engagement Strategies to Promote Responsible Diabetes Self-Management," Faculty Bios, October 20, 2004	
1360	11/1/04			CMS, "Medicare Launches Efforts to Improve Care for Cancer Patients, New Coverage, Better Evidence, and New Support for Improving Quality of Care," November 1, 2004, Medicare News	
1361	1/6/05			"Fallon takes Worcester practice, sheds St. Vincent," January 6, 2005, Boston Business Journal	
1362				Ritchie, Dianne Catherine, "Impact of the Closure of Harvard Pilgrim Center of New England on Primary Care Physicians: Implications for Quality of Services"	
1363	11/2/05			CMS, "CMS Announces Payment Update and Policy Changes for Medicare Physician Fee Schedule," November 2, 2005, Medicare News	
1364	2/8/06			Community Oncology Conference, February 8-10, 2006, Lee Newcomer, M.D., <a href="http://www.communityonc.com">www.communityonc.com</a>	
1365	6/25/96			Statement of Phoebe Morse, Director Boston Regional Office FTC to the Commonwealth of Massachusetts Alcoholic Beverages Control Commission	
1366	1/1/06			ASCO, FAQs on The 2006 Oncology Demonstration Project	
1367	5/1/06			2006 Annual Report of the Boards of Trustees of the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund	

TRIAL EXH. NO.	DOC. DATE	BATES RANGE	DEPO. EXH.	DOCUMENT TITLE/DESCRIPTION	OBJECTION
1368	7/06			GAO, Report to Congressional Committees-Medicare Physician Services, "Use of Services Increasing Nationwide and Relatively Few Beneficiaries Report Major Access Problems"	
1369	7/13/06			Statement of Jay Baker, Greenbrier Oncology Clinic, Lewisburg, West Virginia	
1370	7/13/06			House Committee on Ways and Means – Statement of Mark Miller, Ph.D., Executive Director, Medicare Payment Advisory Commission- Testimony Before the Subcommittee on Health of the House Committee on Ways and Means	
1371	7/13/06			Statement of Frederick Schnell, M.D., President, Community Oncology Alliance- Testimony Before the Subcommittee on Health of the House Committee on Ways and Means	
1372	8/06			OIG, "Cost and Performance of Medicare's 2005 Chemotherapy Demonstration Project"	
1373 *				Table 1: Dollar volumes of subject drugs purchased directly by Massachusetts TPPs, by manufacturer	
1374 *				Figure 1: Vepesid prices to BCBS-MA	
1375 *				Figure 2: Procrit prices to BCBS-MA	
1376 *				Figure 3: Intron prices to BCBS-MA	
1377 *				Figure 4: Zoladex prices to CIGNA	
1378 *				Figure 5: Vepesid prices to CIGNA	
1379 *				Figure 6: Procrit prices to CIGNA	
1380 *				Figure 7: Intron prices to CIGNA	
1381 *				Figure 8: Zoladex prices to Fallon	
1382 *				Figure 9: Vepesid prices to Fallon	

TRIAL EXH. NO.	DOC. DATE	BATES RANGE	DEPO. EXH.	DOCUMENT TITLE/DESCRIPTION	OBJECTION
1383 *				Figure 10: Procrit prices to Fallon	
1384 *				Figure 11: Intron prices to Fallon	
1385 *				Figure 12: Zoladex prices to Harvard Pilgrim	
1386 *				Figure 13: Vepesid prices to Harvard Pilgrim	
1387 *				Figure 14: Procrit prices to Harvard Pilgrim	
1388 *				Figure 15: Intron prices to Harvard Pilgrim	
1389 *				Table 2: Markups of AWP over BCBS-MA's purchase prices for Bristol-Myers Squibb drugs	
1390 *				Table 3: Markups of AWP over BCBS-MA's purchase prices for Johnson & Johnson drugs	
1391 *				Table 4: Markups of AWP over BCBS-MA's purchase prices for Schering-Plough drugs	
1392 *				Table 5: Markups of AWP over CIGNA's purchase prices for AstraZeneca drugs	
1393 *				Table 6: Markups of AWP over CIGNA's purchase prices for Bristol-Myers Squibb drugs	
1394 *				Table 7: Markups of AWP over CIGNA's purchase prices for Johnson & Johnson drugs	
1395 *				Table 8: Markups of AWP over CIGNA's purchase prices for Schering-Plough drugs	
1396 *				Table 9: Markups of AWP over Fallon's purchase prices for AstraZeneca drugs	
1397 *				Table 10: Markups of AWP over Fallon's purchase prices for Bristol-Myers Squibb drugs	
1398 *				Table 11: Markups of AWP over Fallon's purchase prices for Johnson & Johnson drugs	
1399 *				Table 12: Markups of AWP over Fallon's purchase prices for Schering-Plough drugs	

TRIAL EXH. NO.	DOC. DATE	BATES RANGE	DEPO. EXH.	DOCUMENT TITLE/DESCRIPTION	OBJECTION
1400 *				Table 13: Markups of AWP over Harvard Pilgrim's purchase prices for AstraZeneca drugs	
1401 *				Table 14: Markups of AWP over Harvard Pilgrim's purchase prices for Bristol-Myers Squibb drugs	
1402 *				Table 15: Markups of AWP over Harvard Pilgrim's purchase prices for Johnson & Johnson drugs	
1403 *				Table 16: Markups of AWP over Harvard Pilgrim's purchase prices for Schering-Plough drugs	
1404 *				Table 17: Physician compensation for selected specialties	
1405 *				Figure 16: Health Net median reimbursements for drug J9000 (doxorubicin) and most often associated service CPT90780 (IV infusion therapy, 1 hour)	
1406 *				Table 18: Dollar sales and percent of total dollar sales transacted at list price	
1407 *				Table 19: Adjustments for purported damages to Classes 1 and 2	
1408 *				Table 20: Adjustments for purported damages for Class 3	
1409 *				Table 21: Non-hospital providers reimbursed at "unclear" amounts	
1410 *				Table 22: "Unclear" reimbursements to non-hospital providers according to Dr. Hartman's methodology applied to Oxford Health data	
1411 *				Table 23: Units from claims with an allowed amount equal to billed charge	
1412 *				Table 24: Units administered by out-of-network providers	
1413 *				Table 25: Drug spending as a percentage of total 2003 Medicare expenditures	
1414 *				Table 26: Massachusetts health plans reporting number of physicians	
1415 *				Table 27: Massachusetts health plans by number of enrollees	
1416 *				Table 28: Total number of physicians and physicians per capita in	

TRIAL EXH. NO.	DOC. DATE	BATES RANGE	DEPO. EXH.	DOCUMENT TITLE/DESCRIPTION	OBJECTION
				Massachusetts	
1417 *				Table 29: Dollar volumes of subject drugs purchased directly by Massachusetts TPPs, by year	
1418 *				Figure 17: BLENOXANE (NDC 00015306301) prices to BCBS-MA	
1419 *				Figure 18: PARAPLATIN (NDC 00015321530) prices to BCBS-MA	
1420 *				Figure 19: PROCRIT (NDC 59676030401) prices to BCBS-MA	
1421 *				Figure 20: PROCRIT (NDC 59676031001) prices to BCBS-MA	
1422 *				Figure 21: ALBUTEROL (NDC 59930150008) prices to BCBS-MA	
1423 *				Figure 22: INTRON (NDC 00085118402) prices to BCBS-MA	
1424 *				Figure 23: PERPHENAZINE (NDC 59930160001) prices to BCBS-MA	
1425 *				Figure 24: PROVENTIL (NDC 00085020802) prices to BCBS-MA	
1426 *				Figure 25: PROVENTIL (NDC 00085020901) prices to BCBS-MA	
1427 *				Figure 26: ZOLADEX (NDC 00310096130) prices to CIGNA	
1428 *				Figure 27: BLENOXANE (NDC 00015301020) prices to CIGNA	
1429 *				Figure 28: CYTOXAN (NDC 00015050301) prices to CIGNA	
1430 *				Figure 29: CYTOXAN (NDC 00015054841) prices to CIGNA	
1431 *				Figure 30: PARAPLATIN (NDC 00015321530) prices to CIGNA	
1432 *				Figure 31: PROCRIT (NDC 59676030401) prices to CIGNA	
1433 *				Figure 32: PROCRIT (NDC 59676031001) prices to CIGNA	
1434 *				Figure 33: PROCRIT (NDC 59676032001) prices to CIGNA	
1435 *				Figure 34: ALBUTEROL (NDC 59930150008) prices to CIGNA	
1436 *				Figure 35: INTRON (NDC 00085076901) prices to CIGNA	
1437 *				Figure 36: INTRON (NDC 00085118402) prices to CIGNA	
1438 *				Figure 37: PERPHENAZINE (NDC 59930160501) prices to CIGNA	

TRIAL EXH. NO.	DOC. DATE	BATES RANGE	DEPO. EXH.	DOCUMENT TITLE/DESCRIPTION	OBJECTION
1439 *				Figure 38: PROVENTIL (NDC 00085020802) prices to CIGNA	
1440 *				Figure 39: PROVENTIL (NDC 00085020901) prices to CIGNA	
1441 *				Figure 40: ZOLADEX (NDC 00310096130) prices to Fallon	
1442 *				Figure 41: BLENOXANE (NDC 00015301020) prices to Fallon	
1443 *				Figure 42: CYTOXAN (NDC 00015054841) prices to Fallon	
1444 *				Figure 43: PARAPLATIN (NDC 00015321530) prices to Fallon	
1445 *				Figure 44: VEPESID (NDC 00015309145) prices to Fallon	
1446 *				Figure 45: PROCRIT (NDC 59676030401) prices to Fallon	
1447 *				Figure 46: PROCRIT (NDC 59676030401) prices to Fallon	
1448 *				Figure 47: PROCRIT (NDC 59676031001) prices to Fallon	
1449 *				Figure 48: PROCRIT (NDC 59676032001) prices to Fallon	
1450 *				Figure 49: ALBUTEROL (NDC 59930150008) prices to Fallon	
1451 *				Figure 50: INTRO (NDC 00085076901) prices to Fallon	
1452 *				Figure 51: INTRO (NDC 00085118402) prices to Fallon	
1453 *				Figure 52: PROVENTIL (NDC 00085020802) prices to Fallon	
1454 *				Figure 53: PROVENTIL (NDC 00085020901) prices to Fallon	
1455 *				Figure 54: ZOLADEX (NDC 00310096130) prices to Harvard Pilgrim	
1456 *				Figure 55: BLENOXANE (NDC 00015301020) prices to Harvard Pilgrim	
1457 *				Figure 56: CYTOXAN (NDC 00015050301) prices to Harvard Pilgrim	
1458 *				Figure 57: CYTOXAN (NDC 00015054841) prices to Harvard Pilgrim	
1459 *				Figure 58: PARAPLATIN (NDC 00015321530) prices to Harvard	

TRIAL EXH. NO.	DOC. DATE	BATES RANGE	DEPO. EXH.	DOCUMENT TITLE/DESCRIPTION	OBJECTION
				Pilgrim	
1460 *				Figure 59: VEPESID (NDC 00015309145) prices to Harvard Pilgrim	
1461 *				Figure 60: PROCRIT (NDC 59676030401) prices to Harvard Pilgrim	
1462 *				Figure 61: PROCRIT (NDC 59676031001) prices to Harvard Pilgrim	
1463 *				Figure 62: PROCRIT (NDC 59676032001) prices to Harvard Pilgrim	
1464 *				Figure 63: ALBUTEROL (NDC 59930150008) prices to Harvard Pilgrim	
1465 *				Figure 64: INTRON (NDC 00085076901) prices to Harvard Pilgrim	
1466 *				Figure 65: INTRON (NDC 00085118402) prices to Harvard Pilgrim	
1467 *				Figure 66: PROVENTIL (NDC 00085020802) prices to Harvard Pilgrim	
1468 *				Figure 67: PROVENTIL (NDC 00085020901) prices to Harvard Pilgrim	
1469 *				Table 30: Purchasing entities related to Massachusetts TPPs	
1470 *				Table 31: Annual volume and intensity changes from April 2000 to April 2005	
1471 *				Figure 68: Zoladex (NDC 00310096130)	
1472 *				Figure 69: Blenoxane (NDC 00015301020)	
1473 *				Figure 70: Cytoxan (NDC 00015050301)	
1474 *				Figure 71: Cytoxan (NDC 00015054841)	
1475 *				Figure 72: Paraplatin (NDC 00015321530)	
1476 *				Figure 73: Vepesid (NDC 00015309145)	

TRIAL EXH. NO.	DOC. DATE	BATES RANGE	DEPO. EXH.	DOCUMENT TITLE/DESCRIPTION	OBJECTION
1477 *				Figure 74: Procrit (NDC 59676030401)	
1478 *				Figure 75: Procrit (NDC 59676031001)	
1479 *				Figure 76: Procrit (NDC 59676032001)	
1480 *				Figure 77: Albuterol (NDC 5993015008)	
1481 *				Figure 78: Intron (NDC 00085076901)	
1482 *				Figure 79: Intron (NDC 00085118402)	
1483 *				Figure 80: Perphenazine (NDC 59930160501)	
1484 *				Figure 81: Proventil (NDC 00085020802)	
1485 *				Figure 82: Proventil (NDC 00085020901)	
1486 *				Table 32: Adjustments for purported damages to Classes 1 and 2 for AstraZeneca drugs	
1487 *				Table 33: Adjustments for purported damages to Class 3 for AstraZeneca drugs	
1488 *				Table 34: Adjustments for purported damages to Classes 1 and 2 for Bristol-Myers Squibb drugs	
1489 *				Table 35: Adjustments for purported damages to Class 3 for Bristol-Myers Squibb drugs	
1490 *				Table 36: Adjustments for purported damages to Classes 1 and 2 for Johnson & Johnson drugs	
1491 *				Table 37: Adjustments for purported damages to Class 3 for Johnson & Johnson drugs	
1492 *				Table 38: Adjustments for purported damages to Classes 1 and 2 for Schering-Plough drugs	
1493 *				Table 39: Adjustments for purported damages to Class 3 for Schering-Plough drugs	
1494 *				Table 40: Purchasing entities related to top Massachusetts TPPs	
1495 *				Table 41: Annual volume and intensity changes from April 2000 to	

TRIAL EXH. NO.	DOC. DATE	BATES RANGE	DEPO. EXH.	DOCUMENT TITLE/DESCRIPTION	OBJECTION
				April 2005	
1496 *				Figure 83: Yearly percentage growth in Medicare Part B expenditures per beneficiary	
1497		BCBSMA-AWP-10605 – BCBSMA-AWP-10607	Mulrey, 10/5/06, Exh. 3	PFSW Steering Committee Meeting – BC65 Drug Change Impact	
1498	1/04	BCBSMA-AWP-11613 – BCBSMA-AWP-11614	Mulrey, 10/5/06, Exh. 5	E-mail string regarding BC65 Drug Change Impact	
1499	1995 - 2002	BCBSMA-AWP-43312 – BCBSMA-AWP-43313	Mulrey, 10/5/06, Exh. 6	Blue Care 65 Physician Fee Schedule - Timeline	
1500		BCBSMA-AWP-43314 – BCBSMA-AWP-43316	Mulrey, 10/5/06, Exh. 7	Bc65 Fee Schedule Update – Revision (Prepared by Provider Reimbursement)	
1501	4/8/02	BCBSMA-AWP-12189 – BCBSMA-AWP-12215		BCBSMA Organization	
1502	9/14/05	AWP-PIPE-00636 – AWP-PIPE-00642		Mass Coalition Meeting Minutes	
1503	9/01			Government Accounting Office, Medicare Payments Covered Outpatient Drugs Exceed Providers' Cost (GAO-01-1118 Sept. 2001)	
1504	12/3/02			Department of Health and Human Services and Center for Medicare and Medicaid Services, Program Memorandum, Transmittal AB-02-174, December 3, 2002.	
1505	4/19/83	NHIC-BCBSMA-023141 – NHIC-BCBSMA-023207		HMO Seminar Preview Presented By Lorene Harling	
1506	12/04	AWP-PIPE-000599 – AWP-PIPE-	Hannaford, 12/29/05, Exh. 04	Redbook "Update"	

TRIAL EXH. NO.	DOC. DATE	BATES RANGE	DEPO. EXH.	DOCUMENT TITLE/DESCRIPTION	OBJECTION
		000607			
1507	07/29/92	AWP-PIPE-000314 – AWP-PIPE-000315	Hannaford, 12/29/05, Exh. 05	Meeting of Trustees of Pipefitters Local 537 Health & Welfare Fund	
1508	8/29/01	AWP-PIPE-000349 – AWP-PIPE-000350	Hannaford, 12/29/05, Exh. 06	Meeting of Trustees of Pipefitters Local 537 Health & Welfare Fund	
1509	9/14/05	AWP-PIPE-000636 – AWP-PIPE-000642		Minutes of Massachusetts Coalition of Taft-Hartley Funds	
1510	Various	Various	Ryan, 03/16/04, Exh. 08	Documents related to “Data on UFCW Fund Claim” and correspondence between members and D. Ryan, UFCW Fund Administrator	
1511	11/1/99		Ryan, 03/16/04, Exh. 11	Network Administration Agreement between Health Care Services Corporation and UFCW	
1512	8/17/87	UFCW 1915-UFCW 1928	Ryan, 03/16/04, Exh. 13	RPX Prescription Drug Program, Participation Agreement (Dempster Rexall Pharmacy)	
1513	8/97	UFCW 07674	Ryan, 03/16/04, Exh. 12	Memorandum to Pharmacies Participating in the RPX Prescription Drug Program Re: Continued Participation	
1514	2/1/94	UFCW 10281-UFCW 10287	Ryan, 03/16/04, Exh. 15	RPX Prescription Drug Program, Participation Agreement (Walgreen's)	
1515	3/11/94	UFCW 10281-UFCW 10287	Ryan, 03/16/04, Exh. 17	RPX Prescription Drug Program, Participation Agreement (Dominick's Finer Foods, Inc.)	
1516	1/27/99	SEGAL UFCW 02464-SEGAL UFCW 02465	Ryan, 03/16/04, Exh. 22	Letter from Janice Rubin, R. Ph to Mitch Bramstaedt, The Segal Company	
1517	5/6/99	SEGAL UFCW 01656-SEGAL UFCW 01681	Ryan, 03/16/04, Exh. 24	Document entitled “Analysis of Prescription Drug Program”	
1518	10/8/03	UFCW 0019774-UFCW 0019789	Ryan, 03/16/04, Exh. 62	Memo with attachments from D. Ryan to J. Fuller, J. Karmel and M. Kleinman	

TRIAL EXH. NO.	DOC. DATE	BATES RANGE	DEPO. EXH.	DOCUMENT TITLE/DESCRIPTION	OBJECTION
1519		FDB-AWP 02023	Morgan, 01/11/05, Exh. 003	Document entitled "Average Wholesale Price"	
1520	09/91	FDB-AWP-28850 – FDB-AWP-28852	Morgan, 01/11/05, Exh. 004	Monthly Interest Vol. 6 No. 9, Understanding AWP	
1521	Various	FDB-AWP-04991- FDB-AWP-04998	Excerpt of Morgan, 01/11/05, Exh. 006	Letters from Robert J. Hawley	
1522	03/15/00	FDB-AWP-15102- FDB-AWP-15186	Morgan, 01/11/05, Exh. 007	Price Alert	
1523	11/04/02	FDB-AWP-02005	Morgan, 01/11/05, Exh. 008	Document from First Databank's website entitled "Frequently Asked Questions"	
1524			Morgan, 01/11/05, Exh. 011	FDB Price Report	
1525	08/15/01	FDB-AWP-19442 – FDB-AWP-19444	Morgan, 01/11/05, Exh. 014	E-mail from Mimi Leake to Kay Morgan	
1526	07/16/04		Morgan, 01/11/05, Exh. 018	Corrected Amended Master Consolidated Class Action Complaint Modified Per the Court's Instruction at the November 21, 2003 Hearing with Amgen Amendments (Redacted Version)	
1527	9/99	AWP034-0044 – AWP034-0045		Program Memorandum Intermediaries/Carriers re: Implementation of the New Payment Limit for Drugs and Biologicals, Department of Health and Human Services, Health Care Financing Administration	
1528	02/11/02	MDL-MSC00001945	Morgan, 01/11/05, Exh. 025	E-mail from Kay Morgan to Suzann Lowery	
1529	01/13/02	FDB-AWP-21733	Morgan, 01/11/05, Exh. 035	E-mail from Kay Morgan to Inna Dimitshteyn and Rene Romero	
1530	04/01/02	FDB-AWP-18637 –	Morgan, 01/11/05, Exh.	E-mail from Kay Morgan to Marilynne Isaacs (forwarding e-mail	

TRIAL EXH. NO.	DOC. DATE	BATES RANGE	DEPO. EXH.	DOCUMENT TITLE/DESCRIPTION	OBJECTION
		FDB-AWP-18639	041	from Mimi Leake to Kay Morgan)	
1531	2000			2000 HIP Annual Report	
1532	2/03			“Horizon Blue Cross Blue Shield of New Jersey: Current and Historical Role in Providing Health Insurance Coverage in New Jersey,” Rutgers Center for State Health Policy, February 2003	
1533				TennCare Oversight Division, Managed Care Organization Annual Reports 1998-2001, John Deere Health Plan; 2000 Deere & Company 10-K	
1534	2/13/03			Abelson, Reed, and Jonathan D. Glater, “New York Will Sue 2 Big Drug Makers on Doctor Discount,” <i>The New York Times</i> , February 13, 2003	
1535				About UnitedHealth Group: History & Innovation, UnitedHealth Group Website	
1536	Spring 2004			Abramson, Richard G. et al., “Generic Drug Cost Containment in Medicaid: Lessons from Five State MAC Programs,” <i>Health Care Financing Review</i> , Spring 2004, Vol. 25, No. 3	
1537				Academy of Managed Care Pharmacy, “A Guide to Understanding Common Prescription Drug Pricing Terms”	
1538	2/06			Adams, Katherine, “Biologics and Benefit Design: What’s New for ‘06?” <i>Biotechnology Healthcare</i> , February 2006	
1539	2000			Aetna’s 2000 10-K	
1540	1/18/02			Agulnick, Seth, “Drug-Price Tactic is Common, Experts Say,” <i>The NewsJournal (DE)</i> , January 18, 2002	
1541	12/15/92			<i>American Health Line</i> , “Drug Prices: Hot Topic for Lawmakers, Producers, Consumers,” December 15, 1992	
1542	2/26/02			<i>American Health Line</i> , “Montana:	

TRIAL EXH. NO.	DOC. DATE	BATES RANGE	DEPO. EXH.	DOCUMENT TITLE/DESCRIPTION	OBJECTION
				Accuses 18 Drug Makers of Price Manipulation," February 26, 2006	
1543	12/5/04			American Society of Health-System Pharmacists, <i>Pharmaceutical Reimbursement: Keeping Up With Changing Times</i> , December 5, 2004	
1544	2001			Anthem's 2001 10-K	
1545	9/21/01			Appleby, Julie, "Feds To Ask For Medicare Drug Change," <i>USA Today</i> , September 21, 2001	
1546	5/10/00			Appleby, Julie, "House Committee Asks Drug Firms To Justify Pricing Policy," <i>USA Today</i> , May 10, 2000	
1547	9/3/90			<i>Arkansas Democrat-Gazette</i> , "Drug Makers' Efforts to Cut Costs Not Enough, Prior Says," September 3, 1990	
1548	2/24/91			<i>Arkansas Democrat-Gazette</i> , "Drug Price Surge Hits VA Hospitals," February 24, 1991	
1549	3/23/89			<i>Arkansas Democrat-Gazette</i> , "Pharmacists Face Big Losses Under Proposal, Official Says," March 23, 1989	
1550	7/00			Association of American Medical Colleges and American Hospital Association, <i>Guide to Assessing the Financial Impact of Outpatient PPS</i> , July 2000	
1551	1/12/04			Atlantic Information Services, Inc., "Effective Plan Design Helps Keystone Get Specialty Rx Rebates," <i>Managed Care Week</i> , January 12, 2004	
1552	2004			Atlantic Information Services, Inc., <i>Specialty Pharmacy Markets by Therapeutic Category: A Chapter from AIS's Specialty Pharmacy: Stakeholders, Strategies and Markets</i> , 2004	
1553	9/04			Baker, Thomas, "Specialty Therapies Lose Special Status: Survey Results Say Managed Care is Revamping the Way it Handles Biologics," <i>Pharmaceutical Executive</i> ,	

TRIAL EXH. NO.	DOC. DATE	BATES RANGE	DEPO. EXH.	DOCUMENT TITLE/DESCRIPTION	OBJECTION
				September 2004	
1554				Ball, Robert, <i>Social Security Amendments of 1972: Summary and Legislative History</i>	
1555	2/26/96			<i>Barron's</i> , "Painful Profits: Cancer-treatment Firms May Soon See Their Plump Margins Slashed," February 26, 1996	
1556	6/26/03			Barrueta, Anthony, Senior Counsel for the Kaiser Foundation Health Plan, FTC/DOJ Joint Hearings, Health Care and Competition Law and Policy, Pharmacy Benefit Management Companies, June 26, 2003	
1557	2000			BCBS of Massachusetts 2000 Annual Report	
1558	2004			BCBS of Minnesota 2004 Annual Financial Report	
1559	6/17/97			Benenson, Michael and Steve Gutman, "Chapter 6: Specialty Care Contracting," <i>Managed Care Contracting: A Guide for Healthcare Professionals</i> , June 17, 1997	
1560	12/31/03			<i>BestWire</i> , "Major Insurance Mergers Realigned Industry Lineup in 2003," December 31, 2003	
1561	9/16/03			Brammer, Jack, "Drug Makers Cheated State, Lawsuit Says," <i>Lexington Herald Leader</i> , September 16, 2003	
1562	9/00			Breisch, Sandra Lee, "Specialties Force Delay in Episodic Pay: Insurer Seeks to End Variations in Care; Physicians Don't want to Disincentivize Appropriate Care," <i>The American Academy of Orthopedic Surgeons: Bulletin</i> , Vol. 48, No. 4, August 2000	
1563	11/1/00			Brichacek, Andra, "Medicare Manipulation: Government Looks The Other Way As Physicians Line Their Pockets With Taxpayer Money," <i>Pharmaceutical Executive</i> , Vol. 20, No. 11, November 1, 2000	

TRIAL EXH. NO.	DOC. DATE	BATES RANGE	DEPO. EXH.	DOCUMENT TITLE/DESCRIPTION	OBJECTION
1564	6/3/04			Bryant, Jim, "Taking Charge of Specialty Drug Costs," <i>Managed Healthcare Industry Forum on Pharmacy Benefits</i> , June 3, 2004	
1565	12/91			<i>Business Insurance</i> , "Health Maintenance Organizations Listed – California," December 1991	
1566	12/90			<i>Business Insurance</i> , "Health Maintenance Organizations Listed – Connecticut," December 1990	
1567	1990			<i>Business Insurance</i> , "Health Maintenance Organization Listed – Pennsylvania," 1990	
1568	12/90			<i>Business Insurance</i> , "Health Maintenance Organizations Listed – Michigan," December 1990	
1569	12/90			<i>Business Insurance</i> , "Health Maintenance Organization Listed – New Jersey," December 1990	
1570	6/23/94			<i>Business Wire</i> , "Coventry Corporation Names Rusty Hailey Vice President, Specialty Markets," June 23, 1994	
1571	2/6/95			<i>Business Wire</i> , "HealthCare USA Signs Strategic Merger Agreement with Coventry Corp.," February 6, 1995	
1572	1/25/02			<i>Business Wire</i> , "Hagens Berman Assists Nevada in Charging Drug Companies with Fraudulent Pricing Schemes," January 25, 2002	
1573	Spring 2003			<i>Cain Brothers</i> , "Should You Take Managed Care Out of Integrated Delivery Systems," Vol. 40, Spring 2003	
1574	11/01			California HealthCare Foundation, <i>Making Sense of Managed Care Regulation in California</i> , November 2001	
1575	3/97			<i>Cancer Economics, A Supplement to the Cancer Letter</i> , "Administration Proposes Cut Of Markup On Outpatient Drugs," and "Insurers are Eliminating Markup On Cancer Drugs, Official Says," March 1997	

TRIAL EXH. NO.	DOC. DATE	BATES RANGE	DEPO. EXH.	DOCUMENT TITLE/DESCRIPTION	OBJECTION
1576				Caremark, <i>Caremark History</i>	
1577	9/05			Carroll, John, "Plans Struggle for Control of Specialty Pharma Costs," <i>Managed Care</i> , September 2005	
1578	4/28/00			Cauchi, Richard, Prescription Drug Discount, Price Control, and Bulk Purchasing Legislation 1999-2000, <i>National Conference of State Legislatures</i> , April 28, 2000	
1579	1991			Caves, Richard E., Michael D. Whinston, Mark A. Hurwitz, "Patent Expiration, Entry and Competition in the U.S. Pharmaceutical Industry: An Exploratory Analysis," <i>Brookings Papers on Economic Activity</i> , 1991	
1580	12/91			Chaconas, Judy, "Providers Offer Prescription for Medicaid Drug-Pricing Law," <i>Trustee</i> , Vol. 44, No. 12, December 1991	
1581	12/14/97			<i>Chicago Tribune</i> , "Clinton Wants Stricter Curbs on Doctor Charges for Drugs," December 14, 1997	
1582	2000			CIGNA 2000 Annual Statistical Supplement	
1583	3/05			CIGNA Pharmacy Benefits, Evolution – Pharmacy Producer Newsletter, <i>Optimal Drug Benefit Solutions from CIGNA</i> , March 2005	
1584	1/05			CIGNA Pharmacy Benefits, <i>Specialty Drug Management – What Your Clients Should Know</i> , January 2005	
1585	8/24/03			Clements, Joe, "HMO Blue Reports a 10 Million Loss at Six-Month Mark," <i>Boston Business Journal</i> , Vol. 12, No. 27, August 24, 2003	
1586	9/27/00			Cloud, David S. and Laurie McGinley, "How Drug Makers Influence Medicare Reimbursements to Doctors," <i>The Wall Street Journal</i> , September 27, 2000	
1587	5/01			Collins, Sara R., Bradford H. Gray, and Jack Hadley, "The For-Profit Conversion of Nonprofit Hospitals in the U.S. Health Care System: Eight Case Studies," <i>The Commonwealth</i>	

TRIAL EXH. NO.	DOC. DATE	BATES RANGE	DEPO. EXH.	DOCUMENT TITLE/DESCRIPTION	OBJECTION
				<i>Fund</i> , May 2001, p. 13	
1588	6/5/00			Conlan, Michael F., "AWP Under Fire Again at Federal and State Levels," <i>Drug Topics</i> , Vol. 144, No. 11, June 5, 2000	
1589	10/11/93			Conlan, Michael F., "Reform: What it Means for Pharmacy," <i>Drug Topics</i> , Vol. 137, No. 19, October 11, 1993	
1590	12/11/89			Conlan, Michael F., "AWP Use For Medicaid Plans Comes Under New Attack," <i>Drug Topics</i> , December 11, 1989	
1591	9/17/90			Conlan, Michael F., "Now Come Some Serious Medicaid Cuts," <i>Drug Topics</i> , Vol. 134, No. 18, September 17, 1990	
1592	1/29/06			Connolly, Allison, "Beyond the Controversy, VOA Really Is Different," <i>The Virginia-Pilot</i> , January 29, 2006	
1593	2000			Coventry's 2000 Annual Report	
1594	Fall 1994			Davis, Karen, Karen Scott Collins, and Cynthia Morris, "Managed Care: Promise and Concerns," <i>Health Affairs</i> , Fall 1994	
1595	2/26/96			Day, Kathleen, "A Bitter Pill to Swallow; Small Pharmacies a Dying Breed as Profit Margins Shrink," <i>The Washington Post</i> , February 26, 1996	
1596	9/21/01			Dembner, Alice, "Medicare Waste Raises Cost of Drugs by \$1B; Congress to Hear Report on Overpayment Excess," <i>The Boston Globe</i> , September 21, 2001	
1597	2/26/95			Denn, James, "CHP has a strong hold on managed health care," <i>Times Union</i> (Albany, NY), Feb. 26, 1995	
1598	8/04			Dietz, Elizabeth, "Trends in Employer-Provider Prescription-Drug Coverage," <i>Monthly Labor Review</i> , August 2004	
1599	8/3/94			Dillon, Michael J., "Drug Pricing: One Size Fits None," <i>Journal of Commerce</i> , August 3, 1994	

TRIAL EXH. NO.	DOC. DATE	BATES RANGE	DEPO. EXH.	DOCUMENT TITLE/DESCRIPTION	OBJECTION
1600	4/98			Don Glickstein, "Group Health Cooperative of Puget Sound – A Short History," <i>The Permanente Journal</i> , Spring 1998	
1601	2005			Dong, Xiaoli and Donald Fetterolf, "Specialty Pharmacy: An Emerging Area of Interest for Medical Management," <i>Disease Management</i> , Vol. 8, No. 2, 2005	
1602	3/11/05			<i>Drug Benefit News</i> , "Aetna Grows PBM Business with Stand-Alone 'Carve Back' Clients," March 11, 2005	
1603	6/02			<i>Drug Cost Management Report</i> , "AdvancePCS Drug Trends Study Demonstrates Cost-Control Efforts Paying Off," June 2002	
1604	9/26/03			<i>Drug Cost Management Report</i> , "Highmark Forms New Specialty Pharmacy, Medmark, Inc., to buy Fishers SPS," September 26, 2003	
1605	11/02			<i>Drug Cost Management Report</i> , "Aetna Takes Mail-order In-House; Ends Contract with Express Scripts," November 2002	
1606	8/02			<i>Drug Cost Management Report</i> , "Blues-owned PBMs Primarily Serve Blues HMO Markets – Pharmacy Benefit Management," August 2002	
1607	9/12/03			<i>Drug Cost Management Report</i> , "Mail-order Rates, Capabilities Foster Increased Competitiveness among PBMs," September 12, 2003	
1608	9/12/03			<i>Drug Cost Management Report</i> , "Specialty Pharmacy Market Offers Expansion Opportunity for PBMs," September 12, 2003	
1609	10/29/03			<i>Drug Industry Daily</i> , "CMS Delaying Final Rule as Congress Debates AWP," October 29, 2003	
1610	5/21/01			<i>Drug Store News</i> , "Chains Still Lead, But Food Stores, Mail-Order Deliver Hefty Gains," May 21, 2001	
1611	3/5/90			Duffy, Robert, "Led by Blues, HMOs Enjoyed Plentiful 1989," <i>Boston Business Journal</i> , Vol. 10, No. 2.,	

TRIAL EXH. NO.	DOC. DATE	BATES RANGE	DEPO. EXH.	DOCUMENT TITLE/DESCRIPTION	OBJECTION
				March 5, 1990	
1612	3/04			Edelman, Bill, "Specialty Pharmacy Booms, but for How Long?" <i>Biotechnology Healthcare</i> , March 2004	
1613	1986			Ehrlich, Frederick J., "Learning To Live With Third Party," <i>Drug Topics</i> , Vol. 130, 1986	
1614	6/15/03			Elswick, Jill, "Biotech Medicines Challenge Plan Design," <i>Employee Benefit News</i> , June 15, 2003	
1615	12/03			Elswick, Jill, "Rx-only Consumer-driven Plans Hit Market," <i>Employee Benefit News</i> , December 2003	
1616	1/92			Employee Benefit Research Institute, "Prescription Drugs: Coverage, Costs, and Quality," <i>EBRI Issue Brief</i> , No. 122, January 1992	
1617	1/04			Employee Benefit Research Institute, "Prescription Drugs: Recent Trends in Utilization, Expenditures and Coverage," <i>EBRI Issue Brief</i> , No. 265, January 2004	
1618	8/11/99			Enthoven, Alain, "Discounts: A Healthy Dose of Competition," <i>The Washington Post</i> , August 11, 1999	
1619	1993			Enthoven, Alain, "The History and Principles of Managed Competition," <i>Health Affairs</i> , Supplement, 1993	
1620	Fall 1997			Eppig, Franklin J., and George S. Chulis, "Trends in Medicare Supplementary Insurance: 1992-96," <i>Health Care Financing Review</i> , Vol. 19, No. 1, Fall 1997	
1621	2001			Fox, Peter D., "An Overview of Managed Care," in Peter R. Kongstvedt (ed.) <i>The Managed Health Care Handbook, Fourth Edition</i> , 2001	
1622	Spring 2003			Fox, Peter D., Rani E. Snyder, and Thomas Rice, "Medigap Reform Legislation of 1990: A 10-Year Review," <i>Health Care Financing Review</i> , Vol. 24, No. 3, Spring 2003	
1623	1/21/02			Frederick, James, "Federal Drug Price Data Flawed, Charges	

TRIAL EXH. NO.	DOC. DATE	BATES RANGE	DEPO. EXH.	DOCUMENT TITLE/DESCRIPTION	OBJECTION
				University of Texas Study," <i>Drug Store News</i> , January 21, 2002	
1624	7/31/90			Freudenheim, Milt, "Business and Health; Medicaid Fight by Drug Makers," <i>The New York Times</i> , Section D, July 31, 1990	
1625	3/13/96			Freudenheim, Milt, "The New Drug-Price Squeeze; H.M.O.'s are Fighting Back in the Battle over Costs," <i>The New York Times</i> , Section D, March 13, 1996	
1626	5/92			Frieden, Joyce, "Employers Push to Manage Prescription Drug Costs," <i>Business and Health</i> , Vol. 10, No. 6, May 1992	
1627	10/74			Gagnon, Jean P. and Christopher A. Rodowskas, "The Influence of Wholesale Discounts and Other Factors on Prescription Ingredient Costs," <i>AJPH</i> , Vol. 64, No. 10, October 1974	
1628	7/16/98			Gaynor, Martin and Deborah Haas-Wilson, "The Blessing and the Curse of Managed Care-Vertical Relations in Health Care Markets," Paper Prepared for the AEI Conference "Managed Care and Changing Health Care Markets," Washington, D.C. April 10, 1997	
1629	2/9/96			Gaynor, Martin and Tami Mark, "Physicians Contracting with Health Plans, A Survey of the Literature," February 9, 1996	
1630	10/15/93			Gellene, Denise, "Suit Accuses 7 Drug Makers of Price-Fixing," <i>Los Angeles Times</i> , Part D, October 15, 1993	
1631	8/29/05			Gencarelli, Dawn M., "One Pill, Many Prices: Variation in Prescription Drug Prices in Selected Government Programs," <i>NHPF Issue Brief</i> , No. 807, August 29, 2005	
1632	5/10/03			Gencarelli, Dawn, "Medicaid Prescription Drug Coverage: State Efforts to Control Costs," <i>NHPF Issue Brief</i> , No. 790, May 10, 2003	

TRIAL EXH. NO.	DOC. DATE	BATES RANGE	DEPO. EXH.	DOCUMENT TITLE/DESCRIPTION	OBJECTION
1633	10/18/85			Genentech Website, "FDA Approves Genentech's Drug to Treat Children's Growth Disorder," <i>Newsroom, Press Releases</i> , October 18, 1985	
1634	11/5/03			<i>Generic Line</i> , "AWP Methodology Final Rule Delayed by Medicare Debate," November 5, 2003	
1635	4/18/88			Glaser, Martha, "Future Will Rely Even More on Drug Formularies," <i>Drug Topics</i> , Vol. 132, No. 8, April 18, 1988	
1636	7/99			Glied, Sherry, "Managed Care," National Bureau of Economic Research, Working Paper Series, July 1999	
1637	10/02			Gray, Tom, "Construction Ahead," <i>Home Care</i> , October 2002	
1638	12/5/04			Groves, Anita, "The Medicare Prescription Drug, Improvement, and Modernization Act of 2003 and Changes in the Outpatient Prospective Payment System: Assessing the Impact on Your Health System," <i>Pharmaceutical Reimbursement: Keeping Up With Changing Times</i> , Proceedings of an educational symposium during the 39th ASHP Midyear Clinical Meeting, December 5, 2004	
1639	2/7/86			Hall, Ken, "As HMOs Mature, Changes are on the Horizon," <i>Business Dateline: Intecorp</i> , Vol. 5, No. 3, February 7, 1986	
1640	8/28/03			Hanners, David, "Drug Price Boost Alleged," St. Paul Pioneer Press, August 28, 2003	
1641				Harvard Pilgrim covered lives numbers from HMO Chains and Networks: Companies	
1642	2000			Health Net's 2000 Annual Report	
1643	5/16/05			<i>Healthcare Crisis Hits Medicare Patients Needing Immune Globulin – Medicare Modernization Act has unintended but devastating repercussions for seriously ill beneficiaries</i> , Immune Deficiency	

TRIAL EXH. NO.	DOC. DATE	BATES RANGE	DEPO. EXH.	DOCUMENT TITLE/DESCRIPTION	OBJECTION
				Foundation Media Release, May 16, 2005	
1644	7/17/89			Henson, Maria, "Pryor Going after Lower Drug Prices," <i>Arkansas Democrat-Gazette</i> , July 17, 1989	
1645	2/3/94			Hilzenrath, David S., "GAO Finds Drugs are Cheaper in Britain, Where Prices are Regulated," <i>The Washington Post</i> , February 3, 1994	
1646	10/25/05			Ho, Sam, <i>Specialty Pharmacy Third Party Payer Perspective</i> , PacifiCare, October 25, 2005	
1647	3/05			Hoadley, Jack, <i>Cost Containment Strategies for Prescription Drugs: Assessing the Evidence in the Literature</i> , Prepared for the Kaiser Family Foundation, March 2005	
1648	2000			Humana's 2000 10-K	
1649	2/19/96			Hutchcraft, Chuck, "Drug Suit Prescription has Pharmacists Queasy; Some Fear Settlement Won't Cure Sales Ills," <i>The Chicago Tribune</i> , Business, February 19, 1996	
1650	4/17/03			Iglehart, John K., "Medicare and Drug Pricing," <i>Health Policy Report</i> , <i>New England Journal of Medicine</i> 348;16, April 17, 2003	
1651	9/25/01			Japsen, Bruce, "Medicare Drug Payment Reform May Not Sting Oncologists," <i>Chicago Tribune</i> , September 25, 2001	
1652	2000			<i>Journal of American Pharmaceutical Association</i> , "Drug Utilization Review: Mechanisms to Improve its Effectiveness and Broaden its Scope," Vol. 40, No. 4, 2000	
1653	2/7/69			<i>Journal of Research in Pharmaceutical Economics</i> , Volume 10 Numbers 2/3, "Task Force on Prescription Drugs-Final Report," February 7, 1969, reproduced in "Prescription Drugs under Medicare: The Legacy of the Task Force on Prescription Drugs, Part 1"	
1654				Kaiser Family Foundation, <i>Medicare:</i>	

TRIAL EXH. NO.	DOC. DATE	BATES RANGE	DEPO. EXH.	DOCUMENT TITLE/DESCRIPTION	OBJECTION
				<i>A Timeline of Key Developments</i>	
1655				Kaiser Permanente, <a href="http://employers.kaiserpermanente.org/kpweb/structurekp/entrypage.do">http://employers.kaiserpermanente.org/kpweb/structurekp/entrypage.do</a> .	
1656	9/8/99			Kathpal Technologies, <i>High Cost Drugs Under the Outpatient Prospective Payment System</i> , Draft, prepared for the Health Care Financing Administration under contract by Myers and Stauffer LC, dated October 27, 1999	
1657	11/4/92			Kim, James, "Drug-Company Backlash, Pressure on Prices Hurts Stocks," <i>USA Today</i> , November 4, 1992	
1658	2/17/91			King, Warren, "Drug Companies Hit Over Price Boosts – Hospitals, Other Health Organizations Report Increases of 20 Percent or More," <i>The Seattle Times</i> , February 17, 1991	
1659	8/5/88			Kittrell, Allison, "Cost-Sharing Plans are Successful: Study," <i>Business Insurance</i> , September 5, 1988	
1660	8/99-9/99			Knight, Wendy, "Too Much or Too Little? The Role of Pharmaceuticals in the Health Care System," <i>Journal of Managed Care Pharmacy</i> , Vol. 5, No. 4, July/August 1999	
1661	1/1/90			Koco, Linda, "Carve-Out Plan Settles Drug Claims at Point of Service," <i>National Underwriter Life &amp; Health-Financial Services Edition</i> , No. 1, January 1, 1990	
1662	2001			Kongstvedt, Peter R., "Clinical Services Requiring Authorization," in Peter R. Kongstvedt (ed.) <i>The Managed Health Care Handbook, Fourth Edition</i> , 2001	
1663	Spring 1989			Kreling, David H., "Assessing Potential Prescription Reimbursement Changes: Estimated Acquisition Costs in Wisconsin," <i>Health Care Financing Review</i> , Spring 1989	
1664	1991			Kreling, David H., "A Comparison of Pharmacists' Acquisition Costs and	

TRIAL EXH. NO.	DOC. DATE	BATES RANGE	DEPO. EXH.	DOCUMENT TITLE/ DESCRIPTION	OBJECTION
				Potential Medicaid Prescription Ingredient Cost Reimbursement in Wisconsin," <i>Journal of Research in Pharmaceutical Economics</i> , Vol. 3, No. 3, 1991	
1665	4/1/99			Kunzi, S. Gregg, "National Drug Formularies," <i>Pharmaceutical Executive</i> , Vol. 19, No. 4, April 1, 1999	
1666	10/5/00			Kwong, Melsen and Rita Shane, "Medicare Outpatient Prospective Pricing System – A Pharmacy Perspective," <i>Cedars-Sinai Medical Center, CA, American Society of Health-System Pharmacists</i> , October 5, 2000	
1667	3/17/05			Lagoe, Ronald, Deborah L. Aspling and Gert P. Westert, "Current and Future Developments in Managed Care in the United States and Implications for Europe," <i>Health Research Policy Systems</i> , March 17, 2005	
1668	3/22/94			Lamphere-Thorpe, Jo Ann, William P. Johnston, Kerry E. Kilpatrick and G. Joseph Norwood, "Who Cares What It Costs to Dispense a Medicaid Prescription," <i>Health Care Financing Review</i> , Vol. 15, No. 3, March 22, 1994	
1669	March 1983			Lee, AJ, Hefner, D., Dobson A., Hardy, R. Jr., "Evaluation of the Maximum Allowable Cost Program," <i>Health Care Financing Review</i> , Vol. 4, No. 3, March 1983	
1670	8/29/93			Levick, Diane, "Insurers Investing in Medical Practices," <i>The Hartford Courant</i> , August 29, 1993	
1671	8/1/00			Lieder, Tzipora R., "HCFA Launches PPS for Hospital Outpatient Services; Billing May Pose Challenge to Pharmacists," <i>American Society of Health-System Pharmacists</i> , August 1, 2000	
1672	12/01			<i>LookSmart</i> , "RBRVS Becomes General Pay Method in Boston, as Medicare RVU Amount Falls,"	

TRIAL EXH. NO.	DOC. DATE	BATES RANGE	DEPO. EXH.	DOCUMENT TITLE/DESCRIPTION	OBJECTION
				December 2001	
1673	1/12/92			<i>Los Angeles Times, Business, Part D,</i> “Drug Firms Start Holding Line on Prices,” January 12, 1992	
1674	2/99			Lyles, Alan and Francis B. Polumbo, “The Effect of Managed Care on Prescription Drugs,” <i>Pharmacoeconomics</i> , Vol. 15, No. 2, February 1999	
1675	12/31/03			Major Insurance Mergers Realigned Industry Lineup in 2003, <i>BestWire</i> , December 31, 2003	
1676	2001			Malone, Daniel C., Sean D. Sullivan, David L. Veenstra, Edward P. Armstrong and Amy J. Grizzle, <i>Determining Unit Cost Values for Health Care Resources in Pharmacoeconomic Studies, Formulary</i> , Vol. 36, No. 4, 2001, p. 294	
1677	8/4/97			<i>Managed Care Monitor</i> , “Pacificare: To Integrate FHP Operations in California, American Health Line,” August 4, 1997	
1678	10/1/04			<i>Managed Healthcare Executive</i> , “Specialty Pharmaceutical Coverage by Managed Care Plans,” Vol. 14, No. 10, October 1, 2004	
1679	7/01-8/01			March, Astara, “Brown Bagging Chemotherapy Drugs,” <i>Oncology Issues</i> , Vol. 16, No. 4, July/August 2001	
1680	2/14/03			Marshall, Randi F., “Spitzer Sues Drug Makers,” <i>Newsday</i> , February 14, 2003	
1681	9/20/01			Marx, Claude R., “Medicare Pays \$1.9 Billion More Than Needed For Drugs, Audit Says,” <i>The Associated Press</i> , September 20, 2001	
1682				Massachusetts Division of Insurance, Bureau of Managed Care	
1683	10/15/93			Mathews, Jay, “Chains Accuse Drug Firms of Price-Fixing,” <i>Chicago Sun-Times</i> , October 15, 1993	
1684	8/15/84			Maynard, Micheline, “GM Proposes Major Changes in Health Care	

TRIAL EXH. NO.	DOC. DATE	BATES RANGE	DEPO. EXH.	DOCUMENT TITLE/DESCRIPTION	OBJECTION
				System," <i>United Press International</i> , August 15, 1984	
1685	1/92			McGarvey, Michael, "The Challenge of Containing Health Care Costs," <i>Financial Executive</i> , Vol. 8, No. 1, January 1992	
1686	3/6/87			Medcenters of North Dakota and Capcare Merge, <i>Southwest Newswire</i> , March 6, 1987	
1687	4/27/87			Medcenters of North Dakota, Heart of America HMOs to Explore Combining Operations, <i>Southwest Newswire</i> , April 27, 1987	
1688	5/005			<i>Medco Drug Trend Report</i> , "Managing Generation Rx: How to Balance Cost & Care," Vol. 7, May 2005	
1689	2002			Medicare Current Beneficiary Survey, <i>The Characteristics and Perceptions of the Medicare Population</i> , 2002	
1690	2000			Medicare+Choice Enrollment by Healthcare Organization (Parent Company) Calendar year 2000	
1691				Meet Regence Rx, Regence Rx Website	
1692	7/5/87			Miller, John Winn, "Drug Industry Overcharging Medicaid Prescriptions Costs Taxpayers Millions of Extra Dollars," <i>Lexington Herald-Leader</i> , July 5, 1987	
1693	4/93			Moore, William J. and Newman, Robert J., "Drug Formulary Restrictions as a Cost-Containment Policy in Medicaid Programs," <i>Journal of Law and Economics</i> , Vol. 36, April 1993	
1694	4/26/05			Mortenson, Lee et al., <i>Background on the AWP Issue: Assessing the Impact on Hospitals and Practices</i> , California Oncology Consortium, April 26, 2005	
1695				M-Plan Website, <i>Quick Facts</i>	
1696	Spring 2002			Murray, Lauren A., and Franklin J. Eppig, "Insurance Trends for the	

TRIAL EXH. NO.	DOC. DATE	BATES RANGE	DEPO. EXH.	DOCUMENT TITLE/DESCRIPTION	OBJECTION
				Medicare Population, 1991-1999," <i>Health Care Financing Review</i> , Spring 2002, Vol. 23, No. 3	
1697	4/89			<i>National Association of Chain Drug Stores v. Bowen</i> , CIV. A. No. 87-2911, 1989 WL 43948, April 1989	
1698	2004			National Commercial Covered Lives, from "Health, United States, 2004: with Chartbook on Trends in the Health of Americans," U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Health Statistics, 2004	
1699	11/05			National Conference of State Legislatures, "Recent Medicaid Prescription Drug Laws and Strategies, 2001-2005," November 2005	
1700	2001			Navarro, Robert P., "Prescription Drug Benefits in Managed Care," in Peter R. Kongstvedt (ed.) <i>The Managed Health Care Handbook, Fourth Edition</i> , 2001	
1701	7/10/00-7/12/00			Newhouse, John J., and David B. White, <i>Managed Care: Lessons in Healthcare Reform</i> , Academy of Business & Administrative Sciences 2000 International Conference, July 10-12, 2000	
1702	10/30/00			<i>News Release</i> , "Kaiser Permanente Continues to Strengthen Financial Base," October 30, 2000 and Medicare HMO Data Report	
1703	7/15/91			Nirtaut, Dennis J., Susan M. Werner, William J. Miner and Richard E. Sherman, "Combined Strategy Curbs Skyrocketing Drug Costs," <i>Business Insurance</i> , July 15, 1991	
1704	5/21/02			O'Sullivan, Jennifer, <i>Medicare: Payments for Covered Prescription Drugs</i> , Congressional Research Service, Report for Congress, May 21, 2002	
1705	5/90			Office of Technology Assessment, <i>Recombinant Erythropoietin: Payment Options for Medicare</i> ,	

TRIAL EXH. NO.	DOC. DATE	BATES RANGE	DEPO. EXH.	DOCUMENT TITLE/DESCRIPTION	OBJECTION
				OTA-H-451, May 1990	
1706	2003			Oncology Nursing Society, <i>Reimbursement vs. Reality: A Discussion Paper on Medicare Payments for Cancer Treatment</i> , 2003	
1707	2000			PacifiCare's 2000 10-K	
1708				Palmetto GBA, <i>Standardizing Prices for Medicare Covered Drugs</i> , Palmetto GBA	
1709	3/21/88			Pappas, Christina L., "Prescription for a Competitive HMO Market," <i>Business Worcester</i> , Vol. 7, No. 2, March 21, 1988	
1710	8/6/00			Pear, Robert, "Administration Plans Cuts in Some Drug Payments," <i>New York Times</i> , August 6, 2000	
1711	8/6/03			Pear, Robert "Cancer Drugs Face Funds Cut in a Bush Plan," <i>The New York Times</i> , August 6, 2003	
1712	2005			Pharmacy Benefit Management Institute, <i>The Prescription Drug Benefit Cost and Plan Design Survey Report</i> , Takeda, 2005	
1713	7/11/89			Phelps, Richard, "Fallon Clinic, Primary Care Physicians Merge, <i>Business Worcester</i> , Vol. 8, No. 11, July 24, 1989	
1714	9/22/03			<i>Pittsburgh Business Times</i> , "Highmark Forms Medmark, Buying Fisher's SPS," September 22, 2003	
1715	1/4/02			Powell, Jennifer Heldt, "Drug Firm Sued for Alleged Overcharges," <i>The Boston Herald</i> , January 4, 2002	
1716	11/8/90			<i>PR Newswire</i> , "Humana, Community Health Plan Sign Definitive Agreement for Humana's Acquisition of Ohio HMO," November 8, 1990	
1717	2/15/94			<i>PR Newswire</i> , "United Healthcare Signs Definitive Agreement to Purchase Ramsay-HMO," February 15, 1994	
1718	12/20/01			<i>PR Newswire</i> , Boston, "Consumer Groups Charge Industry-Wide Price Manipulation – Over \$800 Million in	

TRIAL EXH. NO.	DOC. DATE	BATES RANGE	DEPO. EXH.	DOCUMENT TITLE/DESCRIPTION	OBJECTION
				Illegal Profits from Medicare & Medicare Patients; Federal Lawsuit Charges 28 Drug Companies with RICO, State and Federal Anti-Trust and Consumer Protection Violations," December 20, 2001	
1719	10/26/05			Press Release, "Aetna to Own 100 Percent of Aetna Specialty Pharmacy," October 26, 2005	
1720	9/16/03			Press Release, "Anthem Prescription, Anthem Prescription Earns Specialty Pharmacy Accreditation," September 16, 2003	
1721	9/5/96			Prince, Michael, "Competition Driving Staff Model HMOs to Evolve," <i>Business Insurance</i> , August 5, 1996	
1722	2/14/03			Pugh, Tony, "N.Y. Sues Glaxo and Pharmacia over Drug Prices," <i>Philadelphia Inquirer</i> , February 14, 2003	
1723	3/6/89			Rankin, Ken, "Retail Rx Fears Medicaid Double Cross – Medicaid Average Wholesale Price Reimbursement System – Column," <i>Drug Store News</i> , March 6, 1989	
1724	2005			<i>Red Book</i> , 2005 Edition, Thomson Micromedex	
1725	11/20/90			Reynolds, Maura, "Medicaid Savings," <i>Los Angeles Times</i> , November 20, 1990, Part A	
1726	1/2/97			Rich, Spencer, "Battling the High Prices of Medicare Pays for Drugs," <i>The Washington Post</i> , January 2, 1997, Section A	
1727	9/24/91			Rich, Spender, "Report Faults Soaring Prescription Drug Prices," <i>The Washington Post</i> , September 24, 1991	
1728	6/26/03			Richardson, John, <i>PBMs: The Basics and an Industry Overview</i> , The Health Strategies Consultancy, LLC, June 26, 2003	
1729	1986			Robinson, Bill, "Medicaid at 20: Still Awkward and Troubled," <i>Drug Topics</i> , Vol. 130, 1986	

TRIAL EXH. NO.	DOC. DATE	BATES RANGE	DEPO. EXH.	DOCUMENT TITLE/DESCRIPTION	OBJECTION
1730	9/87			Robinson, Bill, "New Medicaid Drug Rule: Reform or Retreat," <i>Drug Topics</i> , Vol. 131, September 1987	
1731	3/99-4/99			Robinson, James C., "The Future of Managed Care Organization," <i>Health Affairs</i> , Vol. 18, March/April 1999	
1732	7/16/89			Rosenblatt, Robert A., "Catastrophic Care Would Pay More for Drugs than VA, Study Finds," <i>Los Angeles Times</i> , July 16, 1989	
1733	8/28/03			<i>Saint Paul Pioneer Press</i> , "Drug Price Boost Alleged," August 28, 2003	
1734	2/24/89			Sanger, Elizabeth, "No Rx for Plans; Drug Plans Draw Pharmacists' Ire," <i>Newsday</i> (New York), February 24, 1989	
1735	3/02			Sanzo, Kathleen M. and Stephen Paul Mahinka, "Pharmaceutical Pricing: System Changes and Global Effects," <i>The Metropolitan Corporate Counsel</i> , March 2002	
1736	Summer 1997			Scott Morton, Fiona, "The Strategic Response by Pharmaceutical Firms to the Medicaid Most-Favored-Customer Rules," <i>RAND Journal of Economics</i> , Vol. 28, No. 2, Summer 1997	
1737	12/5/04			Shane, Rita, "A Proactive Approach to MMA: Improving Outpatient Revenue Cycle Management," <i>Pharmaceutical Reimbursement: Keeping Up with Changing Times</i> , and Siegel, Jerry, "Back to the Future: An Oncology Case Study," <i>Pharmaceutical Reimbursement: Keeping Up with Changing Times</i> , Proceedings of an educational symposium during the 39th ASHP Midyear Clinic Meeting on Sunday, December 5, 2004 in Orlando, FL	
1738	Spring 1999			Shih, Ya-Chen Tina, "Effect of Insurance on Prescription Drug Use by ESRD Beneficiaries," <i>Health Care Financing Review</i> , Vol. 20, No. 3, Spring 1999	

TRIAL EXH. NO.	DOC. DATE	BATES RANGE	DEPO. EXH.	DOCUMENT TITLE/DESCRIPTION	OBJECTION
1739	4/02			Sirois, Paula, "HMOs Should Prepare Now to Get Handle on Injectables," <i>Managed Care</i> , April 2002	
1740	2000			Social Security Bulletin, <i>Annual Statistical Supplement</i> , 2000	
1741	4/05			<i>Specialty Pharmacy News</i> , "MCOs Oncology Strategies Focus on Provider Issuers," April 2005	
1742	11/05			<i>Specialty Pharmacy News</i> , "MN Blues Plan Looks Beyond McKesson Deal to Build Specialty Pharmacy Program," November 2005	
1743	12/25/05			<i>St. Paul Pioneer Press</i> , "Public Company News," December 25, 2005	
1744	7/14/02			<i>St. Petersburg Times (Florida)</i> , "Medicare Markup for Drugs: 10,000%," July 14, 2002	
1745	7/23/94			Stein, Charles, "The Harvard Community, Pilgrim Eye Merger," <i>Boston Globe</i> , July 23, 1994	
1746	4/2/96			Stein, Charles, "Top Quality HMOs not Rated the Most Popular," <i>Boston Globe</i> , April 2, 1996	
1747	2/15/06			Structure of Kaiser Permanente	
1748	4/14/89			Sun, Lena H., "Prescription Drug Plans Face Threat; Pharmacy Chains Dropping Programs," <i>The Washington Post</i> , April 14, 1989	
1749	2/15/96			Swartz, Katherine and Troyen A. Brennan, "Integrated Health Care, Capitated Payment and Quality: the Role of Regulation," <i>Medicine and Public Issues</i> , Vol. 124, No. 4, February 15, 1996	
1750	10/3/01			The Associated Press State & Local Wire, "Report: Baystate not Breaking Antitrust Laws," October 3, 2001	
1751	5/5/91			The Atlanta Journal and Constitution, "Mail-Order Pharmacies Cut Bills for Drugs, Business, Section H, May 5, 1991	
1752	2005			The Kaiser Family Foundation and Health Research and Educational Trust, Employer Health Benefits	

TRIAL EXH. NO.	DOC. DATE	BATES RANGE	DEPO. EXH.	DOCUMENT TITLE/DESCRIPTION	OBJECTION
				2005 Annual Survey	
1753	5/7/00			The New York Times, "New Questions on Drug Plans as Costs Soar," Section 1, May 7, 2000	
1754	1/13/97			The Pink Sheet, "AWP Overstates Actual Pharmacy Invoice Cost for Brand Name Drugs by Average of 18.3% Nationwide, HHS IG Concludes; Generic AWP Overstates Cost by 42.5%," January 13, 1997	
1755	1/6/97			The Pink Sheet, "Medicare Coverage of Outpatient Dialysis, Transplant and Cancer drugs Would Be Tied to Actual Cost Rather than AWP Under Language Expected in Clinton '98 Budget," January 6, 1997	
1756	9/22/01			The Seattle Times, "Medicare Drug Pricing Faces Congressional Fix; Many HMOs Trimming Their Program Coverage," September 22, 2001	
1757	7/00-8/00			Tufts Center for the Study of Drug Development, Impact Report, Vol. 2, July/August 2000	
1758	1998			Tufts Managed Care Institute, A Brief History of Managed Care, 1998	
1759	8/28/90			Unger, Michael, "Study Finds Drug Prices Vary Widely; Consumer board Sees Spread of up to 700%," Newsday, August 28, 1990	
1760	1/22/91			Viles, Peter, "Part II: Managed Care is Industry's Answer to Health Care Costs," The Associated Press, January 22, 1991	
1761	5/01			von Oehsen, William H., Pharmaceutical Discounts Under Federal Law: State Program Opportunities, Public Health Institute, May 2001	
1762	2001			Wagner, Eric R., "Types of Managed Care Organizations," in Peter R. Kongstvedt (ed.) The Managed Health Care Handbook, Fourth Edition, 2001	
1763	9/29/03			Walsh, Bill, "Medicare law provision would trim drug profits," Times-	

TRIAL EXH. NO.	DOC. DATE	BATES RANGE	DEPO. EXH.	DOCUMENT TITLE/DESCRIPTION	OBJECTION
				Picayune, September 29, 2003	
1764	2000			Wellpoint's 2000 10-K	
1765	2/13/89			Whitmore, Julie, "How Michael Reese Boss Beats HMO Odds," Crains Chicago Business, Vol. 12, No. 7, February 13, 1989	
1766	8/3/92			Wolinsky, Howard, "First-Class Prescriptions: Medicine by Mail Makes its Market," Chicago Sun-Times, August 3, 1992	
1767				Administrative Rules of Montana, Department of Public Health and Human Services, Section 37.86.105(4)	
1768				Balanced Budget Act of 1997, H.R. Rep. No. 217 105th Congress, 1st Session	
1769	9/9/04			Center for Medicaid and Medicare Services, Safe and Effective Approaches to Lowering State Prescription Drug Costs: Best Practices Among State Medicaid Program, September 9, 2004	
1770	6/17/05			Center for Medicare and Medicaid Services, "History of the Medicaid Drug Rebate Program"	
1771				Center for Medicare and Medicaid Services, "Sample Medicaid Rebate Agreement"	
1772	6/18/98			Center for Medicare and Medicaid Services, New Health Options Available Under Medicare+Choice, June 18, 1998	
1773	3/21/03			Discussion by Joan Sokolovsky and comment by Joseph Newhouse, Ph.D., MedPAC 3/21/03 Public Meeting	
1774	12/04			Congressional Budget Office, Medicaid's Reimbursements to Pharmacies for Prescription Drugs, December 2004	
1775	6/05			Congressional Budget Office, Prices for Brand-Name Drugs Under Selected Federal Programs, June 2005	

TRIAL EXH. NO.	DOC. DATE	BATES RANGE	DEPO. EXH.	DOCUMENT TITLE/DESCRIPTION	OBJECTION
1776	8/31/01			Congressional Research Service, Memo from Thomas Nicola (CRS) to the House Committee on Energy and Commerce regarding Regulatory and Legislative History of Medicare Drug Reimbursement Based on Average Wholesale Price, August 31, 2001	
1777	8/9/99			Congressional Research Service, Report to Congress: Outpatient Prescription Drugs: Acquisition and Reimbursement Policies under Selected Federal Programs, August 9, 1999	
1778	5/3/01			Department of Health and Human Services and Center for Medicare and Medicaid Services, Program Memorandum, Transmittal AB-01-66, May 3, 2001	
1779	2003			Department of Health and Human Services and Center for Medicare and Medicaid Services, Single Drug Pricer Clarifications, Transmittal AB-03-147, April 18, 2003	
1780	2000			Department of Health and Human Services, Health Care Financing Administration, "A Profile of Medicaid: Chartbook 2000"	
1781	8/4/98			Department of Health and Human Services, Medicaid Program – Reconsideration of Disapproval of a Louisiana State Plan Amendment, August 4, 1988	
1782	10/4/98			Department of Health and Human Services, Medicaid Program – Reconsideration of Disapproval of a Oklahoma State Plan Amendment, October 4, 1988	
1783	3/20/06			DHHS, CMS, "Medicaid Drug Rebate Program: Overview"	
1784	1999			Discretionary Spending Offsets Act for Fiscal Year 2000, H.R. 3085, 106th Cong. § 716, 1999.	
1785	1999			Fiscal Responsibility Act of 1999, S. 1959, 106th Cong. § 124, 1999.	
1786				Food and Drug Administration Website, The Orphan Drug Act (as	

TRIAL EXH. NO.	DOC. DATE	BATES RANGE	DEPO. EXH.	DOCUMENT TITLE/DESCRIPTION	OBJECTION
				amended)	
1787				General Accounting Office, "Pharmaceutical Pricing Terms"	
1788				Generic Pharmaceutical Association, MAC – Maximum Allowable Cost	
1789	7/15/03			H.R. Rep. 108-178(II), 108th Congress, July 15, 2003	
1790	1986			Health Care financing Administration, "EAC survey Report of California Medi-Cal," EAC Patrol Initiative, 1986	
1791	12/13/97			Health Care Financing Administration, Action Transmittal HCFA-AT-77-113, "Medicaid – Formula for Determining EAC for Drugs," December 13, 1997	
1792	6/01			PricewaterhouseCoopers/Health Care Financing Administration, Study of Pharmaceutical Benefit Management, Contract No. 5000-97-0399/0097, June 2001	
1793				Health Resources and Services Administration, "Pharmacy Affairs & 340B Drug Pricing Program: Pharmacy Affairs, Glossary of Pharmacy Related Terms"	
1794	6/13/00			Hearing Before the Committee on Ways and Means, Legislation to Cover Prescription Drugs Under Medicare, 106th Congress, June 13, 2000	
1795				History of the SSA During the Johnson Administration 1963 – 1968, Medicare – The Development of Medicare	
1796	5/19/05			Letter from Congress to President George W. Bush, May 19, 2005.	
1797	11/13/87			Letter from Don M. Newman, then-Under Secretary, HHS to Charles M. West, Executive Vice President, National Association of Retail Druggists, November 13, 1987	
1798	02/02/95			Letter from Frank Camozzi (HCFA) to Celeste Brose (Blue Shield CA), February 2, 1995	

TRIAL EXH. NO.	DOC. DATE	BATES RANGE	DEPO. EXH.	DOCUMENT TITLE/DESCRIPTION	OBJECTION
1799	05/16/89			Letter from Louis W. Sullivan, then-Secretary, HHS to Charles West, Executive Vice President, NARD, May 16, 1989	
1800	Oct. – Nov. 2000			Letter from Nancy-Ann DeParle (HCFA to June Gibbs Brown (OIG), OIG Draft Reports: Medicare Reimbursement of End Stage Renal Disease Drugs and Medicare Reimbursement for Albuterol, June 13, 2000	
1801	6/13/00			Letter from Nancy-Ann Min DeParle, Administrator, Health Care Financing Administration, to June Gibbs Brown, Inspector General, June 13, 2000, produced as Exhibit E to Office of Inspector General, "Medicare Reimbursement of Albuterol," OEI-03-00-00311, June 2000	
1802	6/11/97			Letter from Phyllis S. Tyzenhouse, Member CAC, Virginia, to Brat McCann, HCFA, June 11, 1997	
1803	05/05/00			Letter from Tom Bliley (Committee on Commerce) to Donna E. Shalala (HHS) regarding Examination of the Prices that Medicare pays for the Limited Number of Medicare-Covered Outpatient Drugs, May 5, 2000	
1804	09/25/00			Letter from Tom Bliley to Nancy-Ann Deparle, Medicare Drug Pricing Manipulation, Healthcare Financing Administration, September 25, 2000	
1805	1997			Medicare and Medicaid Beneficiary Protection Act of 1997, H.R. 2632, 1905th Cong. § 206, 1997	
1806	2001			Medicare Drug Reimbursements: A Broken System for Patients and Taxpayers, 107th Congress 87-89, 2001	
1807	1998			Medicare Fraud and Overpayment Act of 1998, H.R. 3471, 105th Cong. § 2, 1998	
1808	1998			Medicare Fraud and Overpayment Act of 1998, S.1788, 105th Cong. § 2, 1998	

TRIAL EXH. NO.	DOC. DATE	BATES RANGE	DEPO. EXH.	DOCUMENT TITLE/DESCRIPTION	OBJECTION
1809	1999			Medicare Fraud and Reimbursement Reform Act of 1999, H.R. 2229, 106th Cong. § 2, 1999	
1810	1/06			Medicare Payment Advisory Commission, Report to Congress, Effects of Medicare Payment Changes on Oncology Services, January 2006	
1811	02/28/03			Medicare Payment Advisory Commission, Medicare Report to Senate Committee on Finance Staff, Payment System for Prescription Drugs Covered under Part B, February 28, 2003	
1812	06/25/03			Medicare Prescription Drug and Modernization Act of 2003, 108th Congress, Report by Mr. Tauzin, June 25, 2003	
1813	1998			Medicare Prescription Drug Coverage Act of 1998, H.R. 4753, 105th Cong. § 78, 1998	
1814	2006			Medicare Prescription Drug, Improvement, and Modernization Act of 2003, 42 U.S.C. § 1395, 2006	
1815	1998			Medicare Waste Tax Reduction Act of 1998, S. 2335, 105th Cong. § 6, 1998	
1816	1999			Medicare Waste Tax Reduction Act of 1999, S. 1451, 106th Cong. § 4, 1999	
1817	2000			Medicare, Medicaid and SCHIP Benefits Improvement and Protection Act of 2000, Pub. L. No. 106-554, § 429(c), 2000	
1818	03/10/88			Memorandum from HCFA, Region VI to Office of the Director, Bureau of Eligibility, Reimbursement and Coverage, HHS, March 10, 1988	
1819	08/06/68			Memorandum from Irwin Wolkstein, Assistant Director Division of Policy and Standards, HEW, to Joseph Higgins, Drug Task Force, et al., August 6, 1968	
1820	01/11/06			National Center for Health Statistics, Welcome NAMCS Participants, January 11, 2006	

TRIAL EXH. NO.	DOC. DATE	BATES RANGE	DEPO. EXH.	DOCUMENT TITLE/DESCRIPTION	OBJECTION
1821	1990			Omnibus Budget Reconciliation Act of 1990, H.R. 5835, 101st Congress § 4401 (codified as 42 USCA § 1396s), 1990	
1822				Pharmacy Benefits Management, Strategic Healthcare Group, U.S. Department of Veterans Affairs, Drug and Pharmaceutical Prices	
1823	1997			President's Fiscal Year 1998 Budget Proposal for Medicare, Medicaid, and Welfare: Hearings before the Committee on Finance, U.S. Senate, 105th Congress. 85, 1997	
1824	11/09/95			Ratner, Jonathan, "Pharmacy Benefit Managers – Early Results on Ventures with Drug Manufacturers" GAO Reports, GAO/HEHS-96-45, November 9, 1995	
1825	06/08/94			Regional Carrier Letter No. 94-19, "Determination of Cost of Drugs – Action," from M.J. Christenberry, Associate Regional Administrator, Division of Medicare, HCFA Regional Office VI, June 8, 1994	
1826	01/15/01			State of Florida Agency for Health Care Administration, "Medicaid Prescribed Drug Spending Control Program," Annual Report, January 15, 2001	
1827	06/02/87			Statement of Michael Zimmerman, Issues Related to Possible Coverage of Outpatient Prescription Drugs Under Medicare, GAO, GAO/T-HRD-87-15, June 2, 1987	
1828	09/05/00			Statements on Introduced Bills and Joint Resolutions, By Mr. Ashcroft (for himself, Mr. Hagel, and Mr. Abraham), Statement regarding S. 3003 the Cancer Care Preservation Act, Congressional Record – Senate, September 5, 2000, S8022-8023	
1829	1998			Stop Medicare Overpayment Act of 1998, H.R. 3139, 105th Cong. § 2, 1998.	
1830				The Medicaid Drug Rebate Amendments of 1992, House Report	

TRIAL EXH. NO.	DOC. DATE	BATES RANGE	DEPO. EXH.	DOCUMENT TITLE/DESCRIPTION	OBJECTION
				102-384 (II).	
1831	02/07/69			U.S. Department of Health, Education and Welfare, Office of the Secretary, Memorandum from Philip R. Lee, February 7, 1969	
1832	11/68			U.S. Department of Health, Education, and Welfare, Task Force on Prescription Drugs, Background Papers, The Drug Makers and the Drug Distributors, December 1968	
1833	2000			U.S. Pharmacopeia Drug Utilization Review Advisory Panel, "Drug Utilization Review: Mechanisms to Improve Its Effectiveness and Broaden its Scope," Journal of American Pharmaceutical Association, Vol. 40, No. 4, 2000	
1834				Wisconsin Department of Health and Family Services, Budget Change Items	
1835	6/04			Office of Inspector General, Appropriateness of 340B Drug Pricing, OEI-05-02-00070, June 2004	
1836	6/05			Office of Inspector General, Comparison of Medicaid Federal Upper Limit Amounts to Average Manufacturer Prices, OEI-03-05-00110, June 2005	
1837	6/05			Office of Inspector General, Medicaid Drug Price Comparison: Average Sales Price to Average Wholesale Price, OEI-03-056-00200, June 2005	
1838	6/05			Office of Inspector General, Medicaid Drug Price Comparisons: Average Manufacturer Price to Published Prices, OEI-05-05-00240, June 2005	
1839	4/97			Office of Inspector General, Medicaid Pharmacy Actual Acquisition Cost of Prescription Drug Products for Brand Name Drugs, A-06-96-00030, April 1997	
1840	4/04			Office of Inspector General, Medicaid Rebates for Physician-Administered Drugs, OEI-03-02-	

TRIAL EXH. NO.	DOC. DATE	BATES RANGE	DEPO. EXH.	DOCUMENT TITLE/DESCRIPTION	OBJECTION
				00600, April 2004	
1841	9/01			Office of Inspector General, Medicaid's Use of Revised Average Wholesale Prices, OEI-03-00010, September 2001	
1842	5/04			Office of Inspector General, Medicare Reimbursement for Existing End-Stage Renal Disease Drugs, OEI-03-04-00120, May 2004	
1843	5/98			Office of Inspector General, Need to Establish Connection Between the Calculation of Medicaid Drug Rebates and Reimbursement for Medicaid Drugs, A-06-97-00052, May 1998	
1844	9/96			Office of Inspector General, Review of Pharmacy Acquisition Costs for Drugs Reimbursed Under the Medicaid Prescription Drug Program of the North Carolina Department of Human Resources, A-06-95-00071, September 1996	
1845	1/93			General Accounting Office, Medicaid: Changes in Drug Prices Paid by HMOs and Hospitals Since Enactment of Rebate Provisions, GAO/HRD-93-43, January 1993	
1846	9/91			General Accounting Office, Medicaid: Changes in Drug Prices Paid by VA and DOD Since the Enactment of Rebate Provisions, GAO/HRD-91-139, September 1991	
1847	1/03			General Accounting Office, Medicare – Payment for Blood Clotting Factor Exceeds Providers' Acquisition Cost, GAO-03-184, January 2003	
1848	2/99			General Accounting Office, Medicare Physician Payments: Need to Refine Practice Expense Values During Transition and Long Term, GAO/HEHS-99-30, February 1999	
1849				39 Fed. Reg. 40303-4	
1850				39 Fed. Reg. 41480	
1851				40 Fed. Reg. 32283-303	

TRIAL EXH. NO.	DOC. DATE	BATES RANGE	DEPO. EXH.	DOCUMENT TITLE/DESCRIPTION	OBJECTION
1852				42 CFR § 405.517, 2001	
1853				52 Fed. Reg. 28648-655	
1854				53 Fed. Reg. 39644	
1855				56 Fed. Reg. 25792-800	
1856				56 Fed. Reg. 59502, 59524-5, 59621	
1857				63 Fed. Reg. 47552-54	
1858				65 Fed. Reg. 18434	
1859				69 Fed. Reg. 1084-1090	
1860				69 Fed. Reg. 17935	
1861				69 Fed. Reg. 55763-5	
1862				70 Fed. Reg. 32294	
1863				70 Fed. Reg. 39022-3	
1864				70 Fed. Reg. 70116-70236	
1865				70 Fed. Reg. 70480	
1866	9/21/88			Statement of Kermit Foteno, Reconsideration Hearing of Louisiana State Plan Amendment, September 21, 1988	
1867	9/22/88			Statements of Nancy Saltzman, Medical Specialist, HCFA Region VI; and Peter Rodler, Program Analysts Officer - Reconsideration Hearing of Louisiana State Plan Amendment, September 22, 1988	
1868	12/7/04			Testimony of Dennis Smith, Director of the Center for Medicare and Medicaid Services, Medicaid Prescription Drug Reimbursement Before the House Energy and Commerce Subcommittee on Oversight and Investigations, December 7, 2004	

TRIAL EXH. NO.	DOC. DATE	BATES RANGE	DEPO. EXH.	DOCUMENT TITLE/DESCRIPTION	OBJECTION
1869	9/21/01			Testimony of George F. Grob, Medicare Payments for Prescription Drugs, September 21, 2001	
1870	3/14/02			Testimony of Janet Rehnquist, Reimbursement and Access to Prescription Drugs Under Medicare Part B, March 14, 2002	
1871	4/8/04			Testimony of Michael McMullan, Deputy Director, Center for Beneficiaries Choices, CMS before the Senate Committee on Governmental Affairs, "Does CMS Have the Right Prescription? Implementing the Medicare Prescription Drug Program," April 8, 2004	
1872	6/13/00			Testimony of Nancy-Ann Min DeParle, Hearing Before the Committee on Ways and Means, House of Representatives, 106th Congress, Second Session, re Legislation to Cover Prescription Drugs Under Medicare, June 13, 2000	
1873				Testimony of Stuart Wright, Deputy Inspector General for Evaluation and Inspections, Office of Inspector General, U.S. Department of Health and Human Services, House Committee on Energy and Commerce, Subcommittee on Oversight and Investigations	
1874	9/21/01			Testimony of Thomas A. Scully on Medicare Payment for Drugs, Centers for Medicare and Medicaid Services, U.S. Department of Health and Human Services Before the House Energy and Commerce Subcommittees on Oversight & Investigations and Health, September 21, 2001	
1875	12/7/04			Written Testimony of Edward H. Stratemeier, Esq. (Aventis), Before the Subcommittee on Oversight and Investigation Committee on Energy and Commerce on AWP-Based Reimbursement for Prescription	

TRIAL EXH. NO.	DOC. DATE	BATES RANGE	DEPO. EXH.	DOCUMENT TITLE/DESCRIPTION	OBJECTION
				Drugs by Medicaid, December 7, 2004	
1876	3/85	HHC011-0792-0793 – HHC011-0792-0794		Letter from Bill McCutchen, Acting Regional Administrator, Health Care Financing Administration, to Sandra L. Robinson, Secretary and State Health Officer, Louisiana Department of Health and Human Services, March 1985	
1877	7/25/96	HHC908-1217 – HHC908-1218		Letter from Darlene Debus, Manager, Colorado State Team, HCFA, Region VIII, to Grant Steffen, M.D., Blue Cross Blue Shield of North Dakota, July 25, 1996	
1878	2/22/94	HHC015-1588 – HHC015-1589		Letter from Frank Camozzi, Chief, Technical Issues Section, Division of Medicare, HFCA to Richard W. Griesenbeck, M.D. at HHC015-1588 (Feb. 22, 1994)	
1879	7/27/94	AWP011-0868		Letter from Health Care Financing Administration, to All Carriers, July 27, 1994	
1880	9/14/00	AWP041-0943 – AWP041-0946		Letter from Nancy-Ann Min DeParle, Administrator, Health Care Financing Administration, to Medicare Fiscal Intermediaries and Carriers, September 14, 2000	
1881	10/2/96	HHC003-0479 – HHC003-0484		Letter from Zachary T. Bentley & T. Mark Jones, Ven-A-Care of the Florida Keys, Inc. to Bruce Vladeck, then-Administrator, HCFA, October 2, 1996	
1882	8/8/94	HHC902-0173 – HHC902-0173		Memorandum from Charles Booth, Director, Office of Payment Policy, HCFA, to All Associate Regional Administrators for Medicare, August 8, 1994	
1883	8/12/94	AWP032-0035 – AWP032-0035		Memorandum from Jill B. Merrill, Health Insurance Specialist, Medicare Operations Branch, HCFA, to All Part B Carriers, August 12, 1994	
1884	5/02			Difference in Membership Between 1999 and 2000 in Medicare Supplement Plans According to Prescription Drug Coverage	
1885	5/1/01			Massachusetts Division of Insurance	

TRIAL EXH. NO.	DOC. DATE	BATES RANGE	DEPO. EXH.	DOCUMENT TITLE/DESCRIPTION	OBJECTION
				Quarterly Report of Membership by County in Health Maintenance Organizations as of 12/31/00 (Individual Members)	
1886	5/02			Difference in Membership Between 1999 and 2000 in Medicare Supplement Plans According to Prescription Drug Coverage (Insurance Company Group Plans)	
1887	5/1/01			Massachusetts Division of Insurance Quarterly Report of Membership by County in Health Maintenance Organizations as of 12/31/00 (Group Members)	
1888	5/1/01			Massachusetts Division of Insurance Quarterly Report of Membership by County in Health Maintenance Organizations as of 12/31/00 (Medicare Cost Members)	
1889	12/98			Health maintenance organizations listed; Massachusetts, December, 1998	
1890	5/1/01			Massachusetts Division of Insurance Quarterly Report of Membership by County in Health Maintenance Organizations as of 12/31/00 (Other Members)	
1891	5/1/01			Massachusetts Division of Insurance Quarterly Report of Membership by County in Health Maintenance Organizations as of 12/31/00 (Medicaid Members)	
1892	5/1/01			Massachusetts Division of Insurance Quarterly Report of Membership by County in Health Maintenance Organizations as of 12/31/00 (Medicare Risk Members)	
1893	2/11/04			Massachusetts Division of Insurance Annual Report of Membership in MEDICAL Insured Preferred Provider Plans as of 12/31/00	
1894	1/24/85			<i>PR Newswire</i> article, Minneapolis	
1895	2000			Senior Prescription Drug Coverage: The State of the Medigap Market in Massachusetts and New Hampshire	

TRIAL EXH. NO.	DOC. DATE	BATES RANGE	DEPO. EXH.	DOCUMENT TITLE/DESCRIPTION	OBJECTION
1896	9/97			Blue Cross merger approved; What does it mean?, Middlesex Magazine & Business Review; September, 1997	
1897	2000			UnitedHealth Group Incorporated 10-K	
1898	2002			MCBS Demographics of Medicare beneficiaries	
1899	6/19/05			Conlan, Michael, F. "Revamped AWPs for Medicare and Medicaid criticized; Brief Article," <i>Drug Topics</i> , No. 12, Vol. 144:28, June 19, 2005	
1900	1/21/02			Frederick, James, "Federal drug price data flawed, charged University of Texas study"	
1901	11/15/74			New Proposed Rule Making – MAC for Drugs, Fed. Reg. 40,302 (November 15, 1974)	
1902				Humana History, <a href="http://www.humana.com/corporatecomm/companyinfoinfo/history.asp">www.humana.com/corporatecomm/companyinfoinfo/history.asp</a>	
1903	6/5/91			Medicare Program: Fee Schedule for Physician Service, 56 Fed. Reg. 25,792 (June 5, 1991)	
1904	11/25/91			Medicare Program Fee Schedule for Physician Services, 56 Fed. Reg. 59,502, 59,621 (Nov. 25, 1991)	
1905	7/92			GAO Report to the Chairman, Committee on Finance, U.S. Senate, Medicare: Reimbursement Policies Can Influence the Setting and Cost of Chemotherapy, GAO/PEMD-92-28 (July 1992)	
1906				Pub. L. No. 105-33 § 4566(a) (codified as 42 U.S.C. § 1395u(o)(1))	
1907	11/2/98			Medicare Program; Revisions to Payment Policies and Adjustments to the Relative Value Units under the Physician Fee Schedule for Calendar Year 1999; Final Rule and Notice, 63 Fed. Reg. 58,813 (Nov. 2, 1998)	
1908				Physician Contract Summary	
1909				Reimbursement Rates for Signal Point Hematology/Oncology	

TRIAL EXH. NO.	DOC. DATE	BATES RANGE	DEPO. EXH.	DOCUMENT TITLE/DESCRIPTION	OBJECTION
1910				Medical Benefits Claims-Humana Medical Top Four Non-Hospital Providers – Procrit	
1911				Plaintiff Multi-Source Drugs – Snapshot at Date of Initial Single Drug Pricer (SDP) Background File	
1912		FCC 000848 – FCC 000868		Health Choice, LLC and United Food Commercial Workers Trust Fund (UFCW) Proposed Contract with Albert E. Weeks, MD	
1913	2/18/04	A-OH- 04010394 -A-OH 04010399		Anthem OH Physician Fee Comparison for Top Drugs	
1914	3/19/65			Report of the Committee on the Ways and Means on H.R. 6675, H.R. Rep. No. 213, 89th Cong. 1st Sess. (March 19, 1965)	
1915	Various	UFCW 0016534- UFCW 0016594	Ryan, 03/16/04, Exh. 07	Documents related to L. Gruene, UFCW beneficiary	
1916	7/30/04			Atlantic Information Services, Inc., “Survey Spots MCOs’ Contracting Goals For Specialty Pharmacy,” <i>Drug Cost Management Report</i> , July 30, 2004	
1917	1/28/03			California Oncology Consortium, “ANCO Responds to Slanted NY Times Article About Drug Reimbursement and Cancer Doctors” January 28, 2003	
1918	Winter 1994			Carter, Grace M. et al., “Use of Diagnosis-Related Groups by Non-Medicare Payers,” <i>Health Care Financing Review</i> , Vol. 16, No. 2, Winter 1994	
1919	2000			Cohen, Joshua P., “PBMs and a Medicare Prescription Drug Benefit,” <i>Food and Drug Law Journal</i> , Vol. 55, No. 311, 2000	
1920	12/7/04			Community Oncology Alliance, A <i>Letter to Mark B. McClellan</i> , December 7, 2004	
1921	2004			Community Oncology Alliance, Cancer Care Comprehensive Coding Task Force, Overview Report on Coding Costs (CPEP), 2004	

TRIAL EXH. NO.	DOC. DATE	BATES RANGE	DEPO. EXH.	DOCUMENT TITLE/DESCRIPTION	OBJECTION
1922	6/2/04			Community Oncology Alliance, The Cancer Care Comprehensive Coding Task Force, <i>Recommendations on the Reimbursement of Cancer Care Services Provided to Medicare (Part B) Recipients in Community Cancer Practices</i> , June 2, 2004	
1923	3/05			Danzon, Patricia, Gail Wilensky and Kathleen Means, "Alternative Strategies for Medicare Payment of Outpatient Prescription Drugs—Part B and Beyond," <i>American Journal of Managed Care</i> , Vol. 2, No. 3, March 2005	
1924	2/89			Dougherty, Elizabeth and Dawn Hagan, "Market Memo: Move Quickly, But Cautiously in Outpatient Cancer Care," <i>Health Care Strategic Management</i> , February 1989	
1925	12/11/00			<i>Drug Topics</i> , "HCFA Shelves 'new' Medicare AWPs under pressure from Congress," December 11, 2000	
1926	7/98			Ellison, Sara Fisher, "What Prices Can Tell Us About the Market for Antibiotics," <i>MIT Working Paper</i> , July 1998	
1927	7/04			FTC and DOJ, <i>Improving Health Care: A Dose of Competition</i> , July 2004	
1928	6/7/02			Gencarelli, Dawn, "Average Wholesale Price for Prescription Drugs: Is There a More Appropriate Pricing Mechanism?" <i>NHPF Issue Brief</i> , No. 775, June 7, 2002	
1929	9/04			Halcombe, Dawn G., "The Evolution of Community Oncology Care and its Threatened Extinction Due to Federal Private Payment Reform," <i>American College of Medical Practice Executives Paper</i> (Medical Group Management Association Article Archive), September 2004	
1930	3/11/04			Harris, Gardiner, "Among Cancer Doctors, A Medicare Revolt," <i>The New York Times</i> , March 11, 2004	
1931	Fall 2002			Health Care Financing Review, Vol. 24, No. 1, "Medicaid Confronts a	

TRIAL EXH. NO.	DOC. DATE	BATES RANGE	DEPO. EXH.	DOCUMENT TITLE/DESCRIPTION	OBJECTION
				Changing Managed Care Marketplace," Fall 2002	
1932	12/20/05			<i>Health Care Program – Resources on Pharmaceutical Costs and Access, 2005 Edition</i> , National Conference of State Legislatures, December 20, 2005	
1933	3/02			Herzlinger, Regina, <i>Cancer Care in America: Description and Implications of Outpatient Community-Based Cancer Care</i> , Boston Healthcare Associates, March 2002	
1934	2/01			Hoffman, William, "A Look at the Trends in Physician Pay – While Overall Pay Remains Flat, Doctor-Employees May Face Trouble," <i>American College of Physicians, from ACP-ASIM Observer</i> , February 2001	
1935	2/5/02			O'Brien, Daniel P. and Greg Shaffer, "The Welfare Effects of Forbidding Discriminatory Discounts: A Secondary Line Analysis of Robinson-Patman," <i>Journal of Law, Economics &amp; Organization</i>	
1936	2000			Sloan, Frank, Gabriel Picone, D. Taylor, and Shin-Yi Chou, "Not-For-Profit Ownership and Cost and Quality of Care: Is There a Dime's Worth of Difference," <i>Handbook of Health Economics</i> , Vol. 1, AJ Culyer and Joseph P. Newhouse (eds), Elsevier, 2000	
1937	2000			Suh, Dong-Churl, Willard Manning, Stephen Schondelmeyer, and Ronald Hadsall, "Effect of Multiple-Source entry on Price competition After Patent Expiration in the Pharmaceutical Industry," American College of Healthcare Executives, 2000	
1938	4/6/98			Tarlach, Gemma M., "Domino Effect: will new rule drive patients from doctors to hospitals?" <i>Drug Topics</i> , Vol. 142, No. 7, April 6, 1998	

TRIAL EXH. NO.	DOC. DATE	BATES RANGE	DEPO. EXH.	DOCUMENT TITLE/DESCRIPTION	OBJECTION
1939	2/20/06			The Pink Sheet, "Streamlined Method for Exempting CAP Drugs From ASP Urged by PhRMA, BIO," Vol. 68, No. 008, February 20, 2006	
1940	2/13/06			The Pink Sheet, "End of Aranesp, Procrit Pricing War Illustrates Inflationary Impact of ASP," Vol. 68, No. 7, February 13, 2006	
1941	7/01			Thurston, Norman K., "Physician Market Power – Evidence from the Allocation of Malpractice Premiums," <i>Economic Inquiry</i> , Vol. 39, No. 3, July 2001	
1942	10/3/01			YourHealth Daily, "GlaxoSmithKline Plans Drug Discount Program for Low-Income Elderly," October 3, 2001	
1943	6/27/05			Center for Medicare and Medicaid Services, Competitive Acquisition Program Interim Final Rule (CMS-1325-IFC), June 27, 2005	
1944	1/96			Congressional Budget Office, How the Medicaid Rebate on Prescription Drugs Affects Pricing the Pharmaceutical Industry, January 1996	
1945	12/8/04			Kleinke, J.D., "Re-Naming and Re-Gaming: Medicare's Doomed Attempt to Reform Reimbursement for Injectable Drugs," <i>Health Affairs</i> , December 8, 2004	
1946	6/99			McCann, Barton C., Julia A. James, <i>The Impact of Medicare Payment Policies on Patient Access to Quality Cancer Care</i> , June 1999	
1947	12/22/94			McCormick, Lauren A. and Russel T. Burge, "Diffusion of Medicare's RBRVS and Related Physician Payment Policies," <i>Health Care Finance Review</i> , Vol. 16, No. 2, December 22, 1994	
1948	6/13/05			Neergaard, Lauran, "Healthbeat: Patients Scramble for Lifesaving Drug in Wake of Medicare Payment Change," The Associated Press, June 13, 2005	

TRIAL EXH. NO.	DOC. DATE	BATES RANGE	DEPO. EXH.	DOCUMENT TITLE/DESCRIPTION	OBJECTION
1949	4/02			Noether, Monica, Peter Rankin and Rhett Johnson, <i>Competition in Health Insurance and Physician Markets: A Review of "Competition in Health Insurance: A Comprehensive Study of U.S. Markets" by the American Medical Association</i> , Charles River Associates, April 2002, p. 15	
1950	1994			Norton, Edward C., and Douglas Staiger, "How Hospital Ownership Affects Access to Care for the Uninsured," <i>RAND Journal of Economics</i> , Vol. 25, No. 1, 1994	
1951	2/99			Office of Drug Pricing, <i>The Drug Pricing Program Established by Section 340B of the Public Health Service Act: Information Act</i> , Washington, D.C., February 1999	
1952	09/07/04			Letter from FTC to Assembly Member Greg Aghazarian, September 7, 2004	
1953	10/4/02			Letter from Glenn M. Hackbarth, Chairman of Medicare Payment Advisory Commission, to Thomas Scully, Administrator of CMS, October 4, 2002	
1954	3/03			Medicare Payment Advisory Commission, Medicare Payment Policy, Report to Congress, March 2003	
1955	6/00			Medicare Payment Advisory Commission, Selected Medicare Issues, Report to Congress, June 2000	
1956	11/04			The Florida Senate, Review of Medicaid Prescription Drug Pricing, Interim Project Report 2005-141, November 2004	
1957	12/98	AWP001-0899 – AWP001-0900		Health Care Financing Administration, Transmittal No. AB-98-76, December 1998	
1958				Accredo, <i>About Accredo: History</i>	
1959	10/02			Danzon, Patricia and Mark V. Pauly, "Health Insurance and the Growth in Pharmaceutical Expenditures," <i>Journal of Law and Economics</i> , Vol. XLV, October 2002	

TRIAL EXH. NO.	DOC. DATE	BATES RANGE	DEPO. EXH.	DOCUMENT TITLE/DESCRIPTION	OBJECTION
1960	7/1/04			Johnson, Kjel, "Medicare Reimbursement Will Affect Specialty Payouts; MMA Pays Less for Drugs, but More for Administering Them," <i>Managed Healthcare Executive</i> , July 1, 2004	
1961	10/15/93			Mathews, Jay, "Drugstores Accuse Firms of Fixing Drug Prices," <i>The Washington Post</i> , October 15, 1993	
1962	2/05			Northwest Georgia Oncology Centers Video, February 2005 <sup>3</sup>	
1963	1/98-2/98			Pennebaker, George, "The Rest of the AWP Story," <i>Contemporary Pharmacy Management</i> , January-February 1998	
1964	10/92			Letter from Bryan B. Mitchell, Principal Deputy Inspector General to William Toby, Acting Administrator, HCFA attaching Office of the Inspector General, Cost of Dialysis – Relating Drugs, A-01-91-00526, October 1992	
1965	10/3/89			Management Advisory Report from Richard Kusserow, Inspector General, to Louis B. Hays, Acting Administrator, Health Care Financing Administration, A-06-40216, re: Use of Average Wholesale Prices in Reimbursing Pharmacies participating in Medicaid and the Medicare Prescription Drug Program, October 3, 1989	
1966				57 Fed. Reg. 55914	
1967				63 Fed. Reg. 58813-4.49	
1968	12/86	VAWD210-1246 — VAWD210-1251		Acquisition Pricing Reimbursement, Pharmacists Shared Services Newsletter	
1969	1995-2002	BCBSMA-AWP-43321 – BCBSMA-AWP-47303		BCBSMA Medigap Rate Filings 1995-2002	

<sup>3</sup> This video may be viewed by accessing [www.communityoncology.org/Default.aspx?tabid=82](http://www.communityoncology.org/Default.aspx?tabid=82) and selecting the link to the video entitled "nothing will ever be the same" in the "Multimedia Archive" section.

TRIAL EXH. NO.	DOC. DATE	BATES RANGE	DEPO. EXH.	DOCUMENT TITLE/DESCRIPTION	OBJECTION
1970	2003-2007	BCBSMA-AWP-47304-BCBSMA-AWP-50489		BCBSMA Medigap Rate Filings 2003-2007	
1971	6/1/06		Newcomer, 10/18/06, Exh. 001	Frieden, Joyce, <i>Executive Cites Concerns About Use of Cancer Drugs</i> , Internal Medicine News, Vol. 39, Issue 11 (June 1, 2006)	
1972	3/1997		Newcomer, 10/18/06, Exh. 002	Cancer Economics, Supplement to the Cancer Letter, March 1997	
1973	6/18/03	UMI25130 – UMI25134	Newcomer, 10/18/06, Exh. 003	Letter from Thomas McGuire, Deputy General Counsel, Uniprise, to John Capuano, Associate Examiner, Consumer Service Bureau, State of New York Insurance Dept., regarding Dept. File # CSB-225461 (June 18, 2003)	
1974	Fax Line dated 7/8/04 and 7/12/04	UMI25135 – UMI25137	Newcomer, 10/18/06, Exh. 004	Letter from Thomas McGuire, Deputy General Counsel, Uniprise, to John Capuano, Associate Examiner, Consumer Service Bureau, State of New York Insurance Dept., regarding Dept. File # CSB-225461	
1975		UMI25118 – UMI25124	Newcomer, 10/18/06, Exh. 005	UnitedHealth Networks Presentation entitled Ancillary Program Management – Chemotherapy Drug Management Program	
1976	12/9/02	UMI25125 – UMI25129	Newcomer, 10/18/06, Exh. 006	Letter from Robert Jacqmin, M.D., Chief Medical Officer, South Division, United Healthcare, to Jack Sternberg, M.D., President, Arkansas Oncology Associates (December 9, 2002)	
1977	2/1/98	UHI15878 – UHI15884	Newcomer, 10/18/06, Exh. 009	The UnitedHealthcare Provider Agreement – Individual	

Respectfully submitted,  
THE FOLLOWING TRACK 1 DEFENDANTS

By: /s/ Eric. P. Christofferson

John T. Montgomery (BBO #352220)  
Steven A. Kaufman (BBO #262230)  
Eric P. Christofferson (BBO #654087)  
Ropes & Gray LLP  
One International Place  
Boston, MA 02110

Attorneys for Schering-Plough Corp. and  
Warrick Pharmaceuticals Corp.

D. Scott Wise  
Michael Flynn  
Kimberley Harris  
Davis Polk & Wardwell  
450 Lexington Avenue  
New York, NY 10017

Attorneys for AstraZeneca Pharmaceuticals LP

Steven M. Edwards  
Lyndon M. Tretter  
Hogan & Hartson, LLP  
875 Third Avenue, Suite 2600  
New York, NY 10022

Attorneys for the Bristol-Myers Squibb Co. and  
Oncology Therapeutics Network Corp.

William F. Cavanova, Jr.  
Andrew D. Schau  
Erik Haas  
Patterson, Belknap, Webb & Tyler LLP  
1133 Avenue of the Americas  
New York, NY 10036-6710

Attorneys for the Johnson & Johnson  
Defendants

Dated: October 24, 2006

**CERTIFICATE OF SERVICE**

I, Daniel P. Christmas, hereby certify that on October 24, 2006, I caused copies of THE TRACK 1 DEFENDANTS' AMENDED JOINT TRIAL EXHIBIT LIST to be served on all counsel of record by causing the same to be posted electronically via Lexis-Nexis File & Serve and by sending a hard copy of the Track 1 Defendants' Amended Joint Trial Exhibits by overnight mail to the following:

Steve W. Berman  
Hagens Berman Sobol Shaprio LLP  
1301 Fifth Avenue, Suite 2900  
Seattle, WA 98101

John A. Macoretta  
Spector, Roseman & Kodroff, P.C.  
1818 Market Street, Suite 2500  
Philadelphia, PA 19103

Donald E. Haviland, Jr.  
The Haviland Law Firm  
740 S. Third Street, 3rd Floor  
Philadelphia, PA 19147

Kenneth A. Wexler  
Wexler Toriseva Wallace LLP  
One North LaSalle Street, Suite 2000  
Chicago, IL 60602

/s/ Daniel P. Christmas  
Daniel P. Christmas